

# Casework insights into Train Operators' Revenue Protection Practices

A report prepared by the Rail  
Ombudsman

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A report prepared by the Rail Ombudsman, March 2025

## **Executive summary**

The Rail Ombudsman serves as a single-entry point for consumer complaints, determining case eligibility based on its [Rail ADR Service Rules](#). All Train and Station Operators holding an Office of Rail and Road (ORR) passenger or station licence in Britain are mandated to participate in the scheme. A small number of voluntary registrations also exist. The Rail Ombudsman works proactively with the industry and stakeholders to capture and share learnings from casework, through data, recommendations, case studies and dedicated training courses.

The report draws on qualitative and quantitative insights. Context is important: our insights are drawn from disputes escalated to the Rail Ombudsman by consumers. While we note examples of good practice by operators, the insight available to the Rail Ombudsman is inherently shaped by the circumstances in which it emerges – through complaints where consumers believed they had a sufficiently good case to pursue it to the point of dispute. Our report therefore presents an objective account of our findings, while recognising that our work represents only part of the revenue protection picture. A recurring theme is the complexity of cases involving a blend of in-scope and out-of-scope matters.

While matters of revenue protection and penalty fares substantially sit outside the Rail Ombudsman's remit and are typically referred to appropriate bodies, there are nonetheless aspects of revenue protection practices that fall within scope of our casework. Analysis of case data reveals recurring issues related to Revenue Protection concerning five key themes: company policy, complaint handling, fares and retailing, provision of information, and staff conduct.

**Company policy.** We reviewed disputes relating to ticket purchasing, Unpaid Fare Notices (UFNs) and Penalty Fare Notices (PFNs), railcards, and delays.

**Complaint handling.** Cases covered the provision of Penalty Fare Notices (PFNs), digital railcards, railcard validity, invalid tickets, disabled railcard holders, and safeguarding concerns.

**Retailing.** Cases included ticketing difficulties, such as the failure of ticket machines or issues with digital sales, which highlight systemic concerns that may require broader intervention, as seen with cases transferred to Transport Focus.

**Provision of information.** The cases illustrate a wide array of issues faced by consumers in the rail industry, from alleged miscommunication regarding ticket validity, how cancellations are handled, to challenges with ticketing advice.

**Staff conduct and availability.** Our cases reflect a range of issues that passengers encounter, often associated with Penalty Fare Notices (PFNs) and ticketing disputes, with concerns raised relating to staff behaviour. Some cases reveal challenges related to ticketing systems and staff handling of vulnerable or neurodivergent passengers.

Penalty Fare Appeals can be highly emotive and adversarial. This means that independent review is fundamental to a fair system for consumers but also to promoting trust in the sector. We have noted that adversarial situations such as those encountered through revenue protection interactions can lend themselves to accusations or implications of discrimination. Service providers have established obligations under the [Equality Act 2010](#), and the industry must be equipped and supported to proactively ensure compliance and, going further, demonstrable sensitivity to consumer vulnerability.

Recommendations drawn from our casework in relation to revenue protection are aimed at RSPs and the industry more widely. These include improving the provision of information, reconsidering the prominence of information, and passenger information obtained from the ticket retailer. We also call for a better joined up working and a holistic approach to enforcement.

This report has been prepared to support and inform the [Office of Rail and Road's revenue protection review](#).

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## Glossary

**Adjudication.** The process by which, in the event that a Simple Resolution and Mediation has been unsuccessful in reaching agreement between the Rail Service Provider and the Rail Passenger, the Rail Ombudsman will investigate and make an impartial decision on the case.

**ATP.** Assisted Travel Policy

**ADR.** Alternative Dispute Resolution

**Charter.** The Charter of each Rail Service Provider containing the terms under which the Consumer travels.

**Claim Rejected.** The Rail Ombudsman's categorisation of a Consumer's claim that has been rejected following an Adjudication.

**Complex Resolution.** A stage in the Rail Ombudsman process where a Simple Resolution is not possible. The Rail Ombudsman will first Mediate and then where applicable, issue an Adjudication to resolve an in-scope dispute.

**Consumer.** An individual who has undertaken, or has attempted to undertake, a journey on a scheduled rail service, and has purchased (or had purchased on their behalf), or has attempted to purchase, a ticket for that journey.

**Deadlock.** The stage reached within a dispute, when the Rail Service Provider believes that it has exhausted all possibilities of resolving a dispute and there is no further progress possible. At this stage the Rail Service Provider will provide a Deadlock letter to the Consumer confirming this to be their final position. It will also sign-post the Consumer to a means of ADR.

**Decision.** A Decision by the Rail Ombudsman on the fair outcome of an in-scope dispute that is binding on a Rail Service Provider.

**Fraudulent Travel Notice.** A term not formally recognised in the industry-wide guidance available to the Rail Ombudsman, but arising in one instance in casework, appearing interchangeable with TIR.

**Independent Assessor.** Appointed by the Rail Ombudsman to ensure that the operation of the scheme is transparent, fair and reasonable.

**Industry Arrangements.** (a) Where the Rail Service Provider is an operator, the express terms of the contract between the Rail Service Provider and the Consumer as set out in the National Rail Conditions of Travel (NRCoT), and, where applicable, the Charters. In addition, and insofar as they form the basis of the contract, the following provisions may be relevant in determining contractual liability: Ticketing and Settlement Agreement, Assisted Travel Policy and any other applicable terms and conditions which form part of the contract between the Rail Service Provider and the Consumer; the versions of the above policies approved by the ORR that are in use at the time of travel or ticket purchase will apply;

(b) Where the Rail Service Provider is not an operator (for example, a third-party retailer of rail tickets), then the documents establishing their duties will be identified on their entry to the Rail Ombudsman and used by the Rail Ombudsman when assessing in-scope disputes.

**In-scope dispute.** A dispute accepted as being 'in-scope' of the Rail Ombudsman in accordance with the Rail ADR Service Rules.

**Mediation.** The process by which, assisted by an independent view from the Rail Ombudsman, a settlement in relation to an in-scope dispute can be negotiated to which both the Consumer and the Rail Service Provider agree.

**NRCot.** The National Rail Conditions of Travel which outline the rights and responsibilities when travelling, along with the minimum requirements to which a Rail Service Provider should adhere.

**ORR.** Office of Rail and Road

**Out-of-scope.** A complaint which is out-of-scope (ineligible) or out-of-scope (transferred)

**Out-of-scope (ineligible).** A complaint which is deemed ineligible for the Rail Ombudsman and also for Transport Focus and London TravelWatch. The majority of complaints found to be ineligible are caused by Rail Passengers approaching the Rail Ombudsman without a Deadlock Letter and before the end of the 40 working day period allowed to Rail Service Providers to resolve their complaints.

**Out-of-scope (transferred).** A complaint that is outside the scope of the Rail Ombudsman which is transferred to either Transport Focus or London TravelWatch.

**Penalty Fare Notice.** Any person is liable to pay a Penalty Fare if they are on or leaving a train within the Penalty Fares area or they are present in a Compulsory Ticket Area without a valid ticket or authority to make the journey or authorising presence in the Compulsory Ticket Area. Examples of when Penalty Fares may be charged:

- travel without a valid ticket;
- unable to produce an appropriate and valid Railcard when travelling, or attempting to travel, with a discounted ticket;
- travel in First Class accommodation with a Standard ticket;
- travel beyond destination shown on ticket;
- aged 16 or over travelling on a child ticket

**Rail Service Provider Or 'RSP'.** Licensed train and station operators and any voluntary members of the Rail Ombudsman including National Rail Enquiries.

**Rail ADR Service Rules.** The rules and eligibility criteria for the Rail Ombudsman.

**Simple Resolution.** A stage in the Rail Ombudsman process that provides an opportunity, in some circumstances, to quickly resolve an issue.

**Smartcards.** Reusable, credit-card sized cards which store (multiple) train tickets and can be used to tap a reader to enter or exit the station.

**Split Decision.** The Rail Ombudsman's categorisation of a Decision in which the Consumer has received only part of their original claim following an Adjudication.

**Statutory Appeals Bodies.** Transport Focus (TF) and London TravelWatch (LTW)

**Ticket Irregularity Report or "TIR".** A report issued if a passenger is unable to produce a valid ticket. This involves taking details to investigate the matter and subsequently contact the passenger. A TIR might be issued where the RSP staff member considers there has been a breach of Railway Laws and Regulations.

**Third-Party Retailers.** A Third-Party Retailer is licensed to sell train tickets to passengers and businesses but is not involved in the delivery of train services.

**Upheld in Full.** The Rail Ombudsman's categorisation of a dispute that has been Upheld in Full in favour of a Consumer following Adjudication.

**Unpaid Fare Notice.** These are available for use by Revenue Protection Inspectors and Conductors. They may be used in cases where there is no intent to avoid payment of the rail fare, and the matter is a Civil Debt.



## Foreword

The Rail Ombudsman recognises the importance of revenue protection activity to the effective operation of the railway. Through our work with passengers and the industry we have come to understand both the challenges for the sector and the potential for consumer detriment. The subject can have a polarising effect and can inspire strong views.

It is important to acknowledge that the majority of passengers who have paid to travel in accordance with the relevant terms and conditions should rightly expect others to be required to do the same. A degree of enforcement through revenue protection activity is necessary to achieve this. It is important to build trust and respect in a system that works for all its users. We recognise through our work with the sector that revenue protection activity also interacts with the wider smooth operation of the railway, with benefits to the reduction of anti-social behaviour on the network, for example.

However, it is therefore incumbent for the industry to approach this activity with sophistication, tact and in a customer-orientated manner. The industry and decision-makers must take an end-to-end view of revenue protection issues so that insights from stakeholders including the Rail Ombudsman, Statutory Appeals Bodies and Penalty Fare Appeals Services are used to achieve the best outcomes for the industry and its customers. This means robust enforcement measures paired with flexibility and openness to recognise human errors and mitigating circumstances. There are places for these considerations throughout the process, from interactions on-train and at stations, to experiences at the appeal and escalated complaint stage.

The Rail Ombudsman's position is that revenue protection is a complex and challenging area, but one which the industry must approach robustly and confidently. Stakeholders, including the Rail Ombudsman, should therefore work to support the industry with the provision of relevant learning and insight, and also provide important checks and balances to excessive or incorrect action taken within the system. It is clear that expertise in consumer issues and the ability to approach individual circumstances objectively is vital to the effective oversight of revenue protection in an evolving consumer environment.

**Kevin Grix, Chief Executive and Chief Ombudsman**

# 1. The Rail Ombudsman

## 1.1. Background

The [Rail Ombudsman](#) was launched on 26 November 2018. Our vision is to inspire consumer confidence and to deliver our service fairly and impartially. The Rail Ombudsman also supports the rail industry in raising its standards, promoting trust and consumer confidence. As part of The Ombuds Group, the Rail Ombudsman is one of several schemes working to fulfil this vision across a wide range of sectors.

The Rail Ombudsman is an independent provider of Alternative Dispute Resolution, approved by the Chartered Trading Standards Institute and Ombudsman Association. Its service is free to consumers and is funded by the participating Rail Service Providers (RSPs). The service involves a comprehensive dispute resolution journey, which is ordinarily completed within 40 working days. Disputes may be completed at the 'Simple Resolution' stage, for example straightforward administrative errors are corrected, or at the 'Complex Resolution' stage. This is where the Ombudsman will seek to achieve an agreed outcome via mediation and if that is not possible, will produce an adjudication that is binding on the rail operator if accepted by the consumer. Additionally, the Rail Ombudsman fulfils a 'Single Front Door' role for consumers, which helps consumers to navigate the complaint landscape. This function is especially relevant in the context of revenue protection and is discussed further in section 1.3 below.

All holders of an ORR Train and Station Operator licence in Britain are required to participate in the scheme. This is mandated by a licence condition, set by the regulator. A small number of voluntary registrations also exist. At the time of writing, the Rail Ombudsman's scope has recently expanded to include the Third-Party Retailer Trainline. Until this point, complaints about ticket retailers have been ineligible for consideration, although the prominent role of Third-Party Retailers in the sector has been evident in the casework we receive.

The Rail Ombudsman works proactively with the industry and stakeholders to capture and share learnings from casework, through data, recommendations, case studies and dedicated training courses.

## 1.2. Volume and the nature of disputes received

At the time of writing, the Rail Ombudsman has received approximately 22,000 cases since inception in 2018. Case volumes have varied over time, with the most significant swings linked to the impact of major events affecting the rail industry, namely the Covid-19 pandemic and sustained periods of industrial action.

In 2024, the Rail Ombudsman delivered its [Casework Deep Dive Report](#) to ORR; this report addressed several themes arising from our casework, namely Complaint Handling, Accessibility, Delay Compensation, Fares and Retailing, and Passenger Information. The report focused largely on subject matters within the Rail Ombudsman's remit, where casework is most prevalent and insights the richest. The Casework Deep Dive Report covered areas regulated by ORR, setting out prominent complaint themes encountered by the Rail Ombudsman. While revenue protection was not a specified target area for insight, relevant themes emerged including the presence of disputes associated with Penalty Fares.

## 1.3. The Rail Ombudsman's role as a passenger-facing service

The rail complaint and wider consumer support landscape is complex and multi-faceted. The Rail Ombudsman offers consumers a single-entry point with the capability to inform, signpost and directly transfer them to appropriate services.

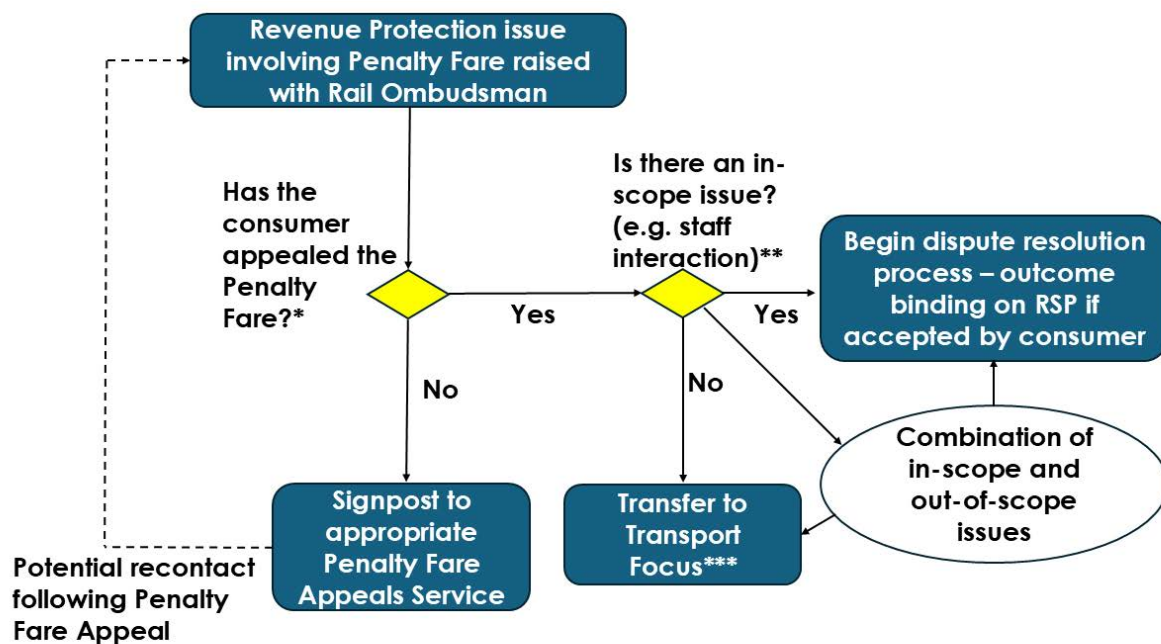
The Rail Ombudsman's remit is established by the [Rail ADR Service Rules and Eligibility Criteria](#). The Rail Ombudsman triages consumer applications against these criteria, determining whether to accept the case as an in-scope dispute or to deem it out-of-Scope. In the case of the latter, the applicant will be signposted or transferred to another service as appropriate in the circumstances. In some instances, it is necessary to proceed to handle a dispute on a 'split scope' basis, whereby the Rail Ombudsman retains relevant In-scope aspects of the case while signposting or transferring out-of-scope elements.

Consumers can therefore expect to raise issues with the Rail Ombudsman, confident that it will be able to assist them either directly or indirectly. Participating RSPs can similarly expect the Rail Ombudsman to play a coordinating role in complex multi-party casework, protecting their passengers and customers from

detriment and in particular the impacts of misdirected efforts within the complaint landscape.

To raise a dispute with the Rail Ombudsman, 40 working days must have passed from the date of the complaint made to the RSP. Alternatively, the RSP may issue a “Deadlock Letter” at an earlier point, meaning that a point of deadlock in their efforts to resolve the consumer's issue(s) has been reached.

Simplified diagram showing typical Revenue Protection case handling scenarios:



\*The Rail Ombudsman will also need to determine whether any other preclusions from accepting the case apply, such as whether legal action is underway.

\*\* At any stage, the Rail Ombudsman will consider whether additional support services may be relevant based on information provided by the consumer.

\*\*\* Transfer may involve direct discussions between Rail Ombudsman/Transport Focus to establish next steps on a case-by-case basis.

## 1.4. Consumer and Rail Service Provider practices

Consumers must have a valid ticket for travel on the service they are using, however there can be specific circumstances where exemptions are applied, such as wider ticket acceptance across train companies or routes during times of disruption or problems accessing ticket buying facilities at stations. With multiple operators covering the same routes, or at least start/end destinations, there is potential for passengers to travel on the incorrect service. This could occur unwittingly, as a result of misinformation or misinterpretation, or as a result of deliberate fare evasion.

RSPs seek to enforce correct travel practices, with station staff, train managers and dedicated revenue protection personnel all having the potential to interact with passengers. These interactions can result in actions being taken against the passenger, in particular the issuance of Penalty Fare Notices or Unpaid Fare Notices. Such incidents can give rise to complaints and appeals. Penalty Fare Appeals services exist, and an appeal may be intertwined with a dispute about the interaction with staff or the handling of a complaint on the matter. Furthermore, the passenger may also take issue with revenue protection policy and practices, for which the Statutory Appeals Bodies have a remit. The flow diagram illustrates how the Ombudsman deals with different elements of revenue protection.

## 2.The themes of the report

Revenue protection practices are in substantial part outside of the remit of the Rail Ombudsman, set out by the Rail ADR Service Rules and Eligibility Criteria. After considering the eight areas of scope specified in the ORR Revenue Protection Review terms of reference, we found five themes through which we can show how our casework interacts or is affected by revenue protection practices.

We have also identified, through our casework, that customers' complaints do not always fit into neatly defined categories and can sometimes include multiple concerns. However, we observe some common interrelating themes in the following areas:

### (1) Company policy

This includes complaints **within** the Ombudsman's Scope about the application of policies. The Rail Ombudsman may consider disputes relating to how a RSP's policy was applied or whether it was followed correctly.

Complaints **outside** the Ombudsman's Scope are disputes which seek to challenge or change the policies themselves.

### (2) Complaint handling

Complaint handling includes the following complaints **within** the Ombudsman's Scope:

- Failure to Respond
- Inadequate Responses
- Unreasonable behaviour (dismissive, rude etc.)
- Failure to follow own processes
- Poor communication (failing to provide updates, inaccessible language etc.).

Complaints **outside** the Ombudsman's Scope:

- RSP's overall approach or policy for handling complaints.
- Where the dispute has already been considered by another body

- Complaints relating to regulatory breaches (e.g. data protection breaches).

### **(3) Fares and retailing**

Fares and retailing include complaints **within** the Ombudsman's Scope about:

- Incorrect Ticket Pricing (e.g. overcharging, being sold wrong ticket for journey or receiving incorrect information about the price)
- Ticket Retailing Issues (e.g. problems with purchases, technical failure during booking)
  - Refund and Compensation issues
  - Transparency in Fare Information
  - Accessibility of Retailing Channels.

Complaints **outside** the Ombudsman's Scope:

- Fare Policy Decisions
- Regulated Fare Increases
- Legal or Policy Enforcement (e.g. Penalty Fares).

### **(4) Provision of information**

Provision of information includes complaints that are **within** the Ombudsman's Scope about:

- Incorrect or Misleading Information (e.g. information provided by staff, or on websites, apps or signs, which is inaccurate or misleading)
- Lack of Essential Information (e.g. information relating to cancellations or delays, ticketing terms and conditions, accessibility of information)
- Inconsistent or Conflicting Information
- Service Disruption Communication.

Complaints **outside** the Ombudsman's Scope:

- Systemic Issues with Policy (e.g. dissatisfaction with how frequently update information is provided)
- Third-Party Information Providers (e.g. a non-rail operator app or independent ticket seller)
- Unforeseen Circumstances (e.g. sudden system outages).

## **(5) Staff conduct and availability**

Cases about staff conduct and availability covers complaints **within** the Ombudsman's Scope about:

- Staff Conduct
- Miscommunication or Incorrect Information
- Failure to Follow Procedures
- Staff Availability
- Lack of Assistance
- Failure to Provide Expected Services
- Impact on Passenger Experience.

Complaints **outside** the Ombudsman's Scope:

- General Staffing Levels
- Disciplinary Actions Against Staff
- Third-Party Staff (e.g. station cleaners)
- Broader Accessibility Policy (e.g. lack of staff).

Within the category of *Penalty Fares* and *other failure to purchase schemes* the following complaints are **within** the Ombudsman's scope:

- The Quality of Interaction when a Penalty Fare or other failure-to-purchase notice is being issued. (e.g. unprofessional behaviour)
- Issuing of failure-to-purchase notices (excluding Penalty Fares) notwithstanding due legal process.

Complaints **outside** the Ombudsman's scope:

- Issue of penalty fares and all appeals relating to the basis on which a Penalty Fare has been issued.



### 3. Methodology

We applied a mixed methodology to gather the data for this report. Initially, we discussed how the scope set by the ORR fits within the recognised industry complaint categories. We then analysed our casework and identified five themes that cover issues relating to revenue protection more generally. After determining the themes, we looked at the case statistics within those themes, both those that are in-scope and those that are out-of-scope. We chose this approach because in our casework our remit has an especially clear bearing on how we are able to handle cases. In this report, we cover cases between January 2022 and December 2024. This date range was selected predominantly because sufficient examples to cover the breadth of issues we typically encounter could be drawn from this period, which also better represents a period of post-pandemic normality in terms of rail travel itself.

To reveal richer insights, we selected case studies to highlight the issues our service users raise with us and how we respond to them. The data is presented in the next section.

## 4. Complaint categories linked to revenue protection practices

The themes we will discuss are: *Company policy; Complaint handling; Fares and Retailing; Provision of information; and Staff conduct and availability*. For each, we provide overall case statistics, cases in-scope and out-of-scope. We make use of specific cases along with detailed casework examples of consumers' and retailers' practices and operators' enforcement of revenue protection, to illustrate broader consumer practices in this area. Table 1 shows an overview of the themes we drew out of our casework for analysis in this report.

Table 1: Overview of themes (2022-2024)

Theme	Total cases	In-scope cases	Out-of-scope cases	Penalty Fare Appeals
Company Policy	1,151	447	704	333
Complaint Handling	1,952	1,360	592	57
Fares & Retailing	991	554	437	43
Provision of Information	308	213	95	8
Staff Conduct and Availability	592	405	187	23

### 4.1. Penalty Fare appeals cases (out-of-scope)

Between 2022 and 2024 we closed 4,919 cases as out-of-scope. It is pertinent to note the volume of such cases brought. The Rail Ombudsman delivers a single front door role and although these issues are expressly outside the Ombudsman's remit, consumers still raise cases on the subject. The interplay between in-scope and out-of-scope factors in a dispute can mean that such cases are related to others of an in-scope nature. 514 cases were classified as *Penalty Fare Appeals*. All were closed as out-of-scope cases. They fell into the main themes identified for this report but are further categorised below. Table 2 provides a breakdown of the categories.

Table 2: Categories

Complaint category	Penalty Fare Appeals
Company Policy	333
Complaint Handling	57
Fares & Retailing	43
Staff Conduct & Availability	23
No main category	14
Delay Compensation Schemes	12
Provision of Information	8
Timetabling & Connection Issues	8
Accessibility	4
Safety & Security	4
Quality on Train	1
Station Quality	1
<b>Total</b>	<b>514</b>

The four case studies below reveal the types of complaints we have investigated relating to this theme:

**Case 1:** The consumer submitted a case to the Rail Ombudsman on behalf of their son. The consumer explained that their 16-year-old son did not have enough time to purchase a ticket, otherwise they would have missed their intended train. They decided that they would purchase their ticket once they boarded the train. The passenger received a Penalty Fare. The consumer described the train manager as “intimidating” and raised a customer service complaint as well as appealing the Penalty Fare. A witness statement (from another passenger who was reasonably determined to be unknown to the consumer) was provided which supported this position and its content was not disputed by the RSP.

The Ombudsman split the case between the Rail Ombudsman and Transport Focus so that we could assess the customer service issues. The Ombudsman also called Transport Focus to make them aware of the customer service issues and a separate in-scope case to investigate this aspect of the complaint.

The outcome of the in-scope element handled by the Rail Ombudsman was a non-financial award, with the consumer's case being upheld in part. The Ombudsman awarded an apology from the RSP (which was accepted by the consumer).

In the final decision, it was noted that the Ombudsman was reasonably satisfied that the witness statement was provided by a third party with no connection to the consumer, except being on the train. It was also recognised that although the RSP's Revenue Protection Officer was entitled to engage with the consumer regarding their eligibility to travel on the service, on the basis of the evidence, issuing an apology for the nature of the interaction was deemed appropriate. However, as the consumer was not travelling with a valid ticket at the time of travel, a financial award was considered inappropriate.

The award of an apology is a relevant learning point; these issues can be highly emotive for consumers and recognition of their perspective – often the 'rights and wrongs' of a situation – is vital. This makes flexibility and a case-by-case approach to issues essential to a resolution that both truly accounts for the consumer's experience and captures the opportunity for improvement.

**Case 2:** The consumer submitted an appeal to the Rail Ombudsman regarding a Penalty Fare Notice. They had previously contacted the RSP directly but only received an automated response. Additionally, the consumer accused the RSP of disability discrimination, citing a comment made by the inspector who allegedly said the consumer did not appear to have a disability. While the application mentioned concerns about complaint handling and discrimination, which fall within the Rail Ombudsman's remit, the primary issue was an appeal of the Penalty Fare. As a result, the case was referred to the Statutory Appeals Body.

This case exemplifies the complex nature of complaints and the landscape in which they are addressed. The Rail Ombudsman approaches cases like this to ensure a way forward for the consumer. In this instance, it was clear that the main substance of the complaint would be taken forward elsewhere. The Ombudsman team noted during the triage stage that the potentially in-scope matters were so heavily intertwined with the Penalty Fare matter that it was impractical to separate them and pursue in-scope and out-of-scope cases. It also demonstrates the interaction between revenue protection issues and other sensitive themes – in this instance a suggestion of disability discrimination.

**Case 3:** The consumer complained that they were issued a Penalty Fare Notice despite being previously told by a member of staff that their ticket would be valid for the service. The consumer stated that they could not afford to pay the fine, citing a "basic apprentice wage".

The Rail Ombudsman transferred the case to Transport Focus for further review. From this case, it is evident that a clear route to appeal and robust appeal mechanisms are especially important in the context of financial vulnerability.

**Case 4:** The consumer complained about an incident at a station where they received a Penalty Fare. The consumer also referred to a “humiliating” incident where the member of staff threatened to call the police. The consumer maintained that they held a valid Railcard but it wasn’t loading on their phone. The consumer expressed that they were extremely worried about the situation because they had also received a court summons. The Ombudsman transferred the case to London TravelWatch. The staff interaction element was so heavily predicated on the Penalty Fare matter that it was impractical to separate the issues.

In summary, the theme of Penalty Fare Appeals demonstrates clearly the often nuanced and multi-faceted nature of consumer complaints that reach us. This emphasises that a ‘single front door’ type service, described in sections 1.1 and 1.3 above, is vital to the functioning of the escalated complaint landscape. This is particularly evident for revenue protection themed cases – especially those surrounding Penalty Fare Appeals. The triage of applications is approached on a case-by-case basis and while some cases are relatively straightforward, others necessitate a careful appraisal of the consumer’s issues and assessment of the priority given to matters raised. In some instances, the working relationship that exists between the Rail Ombudsman and Statutory Appeals Bodies is key. The ability to engage directly over potential out-of-scope case transfers has proven important to achieving seamless transfers.

Penalty Fare Appeals can also be highly emotive and adversarial. This means that independent review is fundamental to a fair system for consumers but also to promoting trust in the sector. We believe that careful administration of the revenue protection processes surrounding Penalty Fare issues - from the interaction with staff issuing a Penalty Fare, through to the administration of appeals and the experience of related complaint processes - is key to the effective operation of the revenue protection system.

While our quantitative data on this point is limited, we have noted that adversarial situations such as those encountered through revenue protection interactions can lend themselves to accusations or implications of discrimination. Service providers have established obligations under the [Equality Act 2010](#), and the industry must be equipped and supported to proactively ensure compliance and, going further, demonstrable sensitivity to consumer vulnerability.

## 4.2. Company policy

The overall number of cases that reached us in 2022-24 about company policy was 1,151. Of these, 447 were in-scope and 704 were out-of-scope, of which 333 were Penalty Fare appeals (table 3).

Table 3: Company policy cases

Total cases 2022-2024	1,151
In-scope	447
Out-of-scope	704 Of which 333 Penalty Fare appeals

In the following we highlight eight cases, four that were **in-scope** (including ticket purchasing, UFN, rail cards, and delays, for example) and four that were out-of-scope.

**Case 1:** A consumer had purchased a ticket online; however, it became apparent at the point the ticket was checked that the ticket was for travel on the same date, but in a different month. The consumer claims that they did not realise this until the ticket was checked whilst travelling, with the wrong date being selected accidentally. The consumer was issued with an Unpaid Fare Notice because they did not hold a valid ticket.

They complained to the operator and then to the Rail Ombudsman, their position being that it was an honest mistake and that the issued Unpaid Fare Notice was unfair.

The Rail Ombudsman considered the consumer's case, however, concluded that as the consumer was travelling with an invalid ticket, it was not unreasonable for the RSP to take the action that it did.

**Case 2:** The consumer complained that their Armed Forces Railcard was not accepted as valid. Their original ticket cost was £45, including the discount. The consumer was not issued with an Unpaid Fare Notice but instead charged £160 for a new ticket. The consumer complained that they were accused of impersonation and threatened with police attendance.

The RSP's position was that the consumer either did not have their card or the card presented must have been invalid. The RSP had no record of the incident or a complaint about it. With the ticket having been purchased via a Third-Party Retailer, it was initially unclear whether the consumer had contacted the retailer or RSP.

The Rail Ombudsman was able to accept this case as an in-scope dispute on the basis of customer service and retailing in that it related principally to the validity or otherwise of a railcard. Potential issues for the Rail Ombudsman to consider were: Retailing and Refunds; Customer Service Staff; and Complaints Handling. After a period of mediation, the RSP offered £160 and this was accepted to settle the claim.

The consumer noted that although they accepted the resolution, they were concerned that since the settlement only cost the RSP what they had gained in selling the additional ticket, it would not discourage the RSP from repeating the action. Indeed, from the manner in which this was expressed, it appeared that the consumer felt that the RSP were seeking to gain financially from the activity and the consumer stated: "I trust the Ombudsman will make this prohibitive for them in the future". While Ombudsman awards are not punitive, it is relevant to note that this consumer's expectation was that the Ombudsman would incentivise changed behaviour through financial means.

As the case did not require full adjudication, the Ombudsman was not required to form a view on entitlement. Irrespective, it is clear that escalation to the Ombudsman was required to achieve a settlement, in circumstances both parties were prepared to accept. Also noteworthy is that it was ambiguous as to whether the consumer had complained to the RSP specifically or another party; nonetheless the RSP was prepared to accept responsibility for the issue without further investigation, in the interests of avoiding potential complication, to the detriment of their passenger's experience of the process.

**Case 3:** The consumer was travelling with an Advance Single ticket, which was only valid on the booked service. The consumer received a notification from a Third-Party Retailer about possible disruption. The consumer said that they had asked for advice in the station and had been told by station staff that they could use their ticket on an earlier train. They were then issued with an Unpaid Fare Notice.

The disruption notification did not state that the consumer's service was cancelled. The Rail Ombudsman found from historic scheduling information that the relevant service did run without delays. The consumer travelled on a service on which their ticket was invalid.

The case proceeded to adjudication at which point it could not be proven that the consumer's actions were based on incorrect advice from a member of staff. The Rail Ombudsman therefore could not uphold the consumer's claim.

**Case 4:** This case concerns a delay caused to the consumer that made them miss the original service. The consumer stated that they called customer services and booked a ticket for a later service, which upon receiving the ticket was not for their intended train. They stated that they were told they could travel with the ticket. The consumer boarded the service on that basis, and they were issued with an Unpaid Fare Notice on the train. The RSP disputed the consumer's account of their interactions, providing evidence of their own earlier review of call recordings, and also noted that the consumer had received refunds for the tickets for both the originally intended and later service. The RSP suggested that the consumer had been advised to book a flexible ticket, given uncertainty about their travel time, but declined this on the basis of cost.

The Ombudsman sought telephone recordings, but due to retention periods this evidence was no longer available. At adjudication, the Ombudsman was unable to conclude that the Consumer's actions in travelling on an earlier service were a result of customer service advice given by the RSP; therefore, no award was made. This case points to apparent uncertainty on the part of the consumer about the terms of their ticket, and the opportunity arising for conflicting versions of events.

**Case 5:** The consumer travelled with an expired Railcard. The consumer said they were not issued with a Penalty Fare Notice at that time. Details were taken and then months later they received a Notice of Prosecution letter. The letter asked them to either pay over £1,000 or to be taken to court. This was based on the consumer's travel history and how long they had been travelling with the expired Railcard. At the application triage stage, the Ombudsman sought to clarify whether the consumer intended to refer to a PFN or UFN but received no response. This claim was considered out-of-scope, because the RSP's action to issue the Notice of Prosecution precluded Ombudsman involvement on the grounds that some form of legal action was underway.

A pertinent point to draw from this case is the consumer's contention that while they accepted (indeed were "happy to pay") a fine, they viewed the amount involved disproportionate to the value of the ticket in question. This provides a useful insight into consumer behaviour; the Rail Ombudsman offers no view on the proportionality of the fine.



**Case 6:** This is a case about identity fraud. The consumer complained on behalf of their child. Another person had been using their child's personal details when they received Penalty Fare Notices. The consumer noticed this, as they were receiving Penalty Fare Notices at their home address. The Rail Ombudsman transferred this case to Transport Focus, because Penalty Fare Notices are not within remit. The consumer had also raised the matter with Action Fraud.

The consumer's account of events made to the Rail Ombudsman suggested a process-led approach by the RSP, who the consumer said directed them to the appeals process, but seemed unable to tackle the recurring issue at source by requiring identification from the individual in question. The Rail Ombudsman did not make a recommendation directly given that the matter was outside of remit, however the case exemplifies the highly nuanced nature of this sort of appeal and the need for a case-by-case approach by both operators and appeal mechanisms. This was clearly a distressing occurrence for the consumer and their child, which without resolution could undermine confidence in travel.

**Case 7:** The consumer missed their train due to unplanned delays on the Underground. The consumer boarded the next service, which was provided by a different RSP; they did not hold a valid ticket on that service, as their original ticket was an Advance Single. The Consumer was removed from the train and stated that they were required to buy a new ticket in order to continue their journey. The consumer stated that they paid this to avoid a fine, even though they did not consider it was correct.

After a period of mediation, the RSP offered to reimburse the cost of the additional ticket, in recognition of the consumer's confusion about the validity of their ticket. The consumer was also seeking compensation alleging misinformation at the station.

The Consumer referred to the terms and conditions of Advance tickets which are displayed on National Rail Enquiries. Condition 5.2 states that "If delays occur while travelling, you will be allowed to take the next available train(s) to complete your journey".

The RSP referred to Condition 9.4 of the National Rail Conditions of Travel. The Rail Ombudsman could not verify the journey taken on London Underground through rail records. The consumer had also stated different departure times within their original complaint and subsequent application to the Rail Ombudsman. Furthermore, the advice given in the station remained unverified, and could not be proven. The Rail Ombudsman made no award for retailing but did make an award for complaint handling, which was less than the sum sought by the consumer.

**Case 8:** This is a case about a ticket for a specific train that was then cancelled. The consumer complained that they had tried to follow online guidance and got on a later train provided by a different train company. On this service, they received an Unpaid Fare Notice. They complained about the customer service and information provided about ticket validity.

There was no dispute that the consumer was on a train service on which their ticket was not valid, so the RSP had the right to take enforcement action. The Rail Ombudsman cannot make a decision that would prejudice byelaw enforcement and therefore could not make a judgement about whether the RSP should have taken action. However, a recommendation was made to the rail industry to consider improving signage in stations relating to Advance ticket validity.

In summary, the Rail Ombudsman reviewed disputes within the theme of Company Policy relating to ticket purchasing, Unpaid Fare Notices (UFNs), railcards, and delays, distinguishing cases within and outside its remit. Cases within-scope involved issues such as incorrect ticket purchases, disputes over railcard validity, and confusion over ticket use during disruption. In these cases, outcomes varied, with some consumers receiving refunds while others had their claims dismissed due to valid enforcement actions (on which point the Rail Ombudsman must use its discretion and apply the terms of the eligibility criteria). Out-of-scope cases included, Penalty Fare Notices, and disputes involving third-party services, which were redirected to appropriate bodies. The cases highlight the complexities of rail travel regulations and the need for clearer company policies, including how they are communicated, to prevent passenger disputes.

### 4.3. Complaint Handling

The Rail Ombudsman received 1,952 cases about complaint handling in 2022-2024. Of these, 1,360 were in-scope and 592 were out of scope. Within the out-of-scope category, there were 57 Penalty Fare Appeals (table 4).

Table 4: Complaint Handling

Total cases 2022-2024	1,952
In-scope	1,360
Out-of-scope	592 Of which 57 Penalty Fare Appeals

Cases that were **in-scope** included the provision of a PFN, digital railcards, validity of railcards, invalid tickets, disabled railcard holder and interpreter, and safeguarding.

**Case 1:** This is a case about a Digital Railcard. It could not be shown during ticket checks, and the consumer told the gateline staff that it must have expired. A Ticket Irregularity Report (TIR) was issued. Whilst still in the station, the consumer managed to access the Railcard and found it was in date. They were told to provide this as proof in response to correspondence about the TIR.

The RSP offered a £10 voucher as a gesture during mediation. This was rejected. The Rail Ombudsman adjudication could not comment on the issuing of the TIR as that would prejudice byelaw enforcement. Complaint handling was reviewed, and it was found that the complaint had been handled in line with the RSP's published procedures. As such, no award was made. As part of the mediation process, it was explained to the consumer that in proceeding to adjudication, the Ombudsman would be limited in the matters that could be addressed.

**Case 2:** This is a case about the validity of a 16-25 Railcard. The consumer travelled on a service on which a Railcard was not valid. They were subsequently issued with a Penalty Fare Notice, following the issue of a Ticket Irregularity Report. They had purchased their ticket at a ticket office just before traveling.

The outcome at adjudication was no award made, with limitations in evidence to support the claim that the ticket was incorrectly sold, and the Rail Ombudsman not having the remit to consider the Penalty Fare itself.

This was difficult for the consumer to accept; the consumer recognised the explanation given about the Ombudsman's remit but since the in-scope element arose from the Penalty Fare matter, it was difficult to separate the two. This is understandable and it is a complex question the Ombudsman must ask itself on a case-by-case basis: whether a valid in-scope matter ancillary to the Penalty Fare Appeal is being raised or whether the two aspects are so intrinsically linked as to be inseparable for the purposes of resolution.

**Case 3:** This is a case about a safeguarding issue during a journey. The consumer's tickets were invalid, and they were removed from the train at the next station. This was late at night, so the police instructed the RSP to pay for a taxi instead. The complaint was received from the passenger's mother as she considered this a safeguarding issue that children were stranded during the night.

This was a complex case that involved several aspects, some within the Rail Ombudsman's remit and others – notably the actions of the BTP – outside it. Accounts given by both parties differed. While the Ombudsman could form no opinion on the suitability of the steps taken with regard to travel, it was noted that the consumer was enabled to travel to their destination without further cost. The case highlights the need to consider revenue protection activity in a wider context, with demonstrable adherence to due process helpful to operators in the event of complaints and promoting consistent application of safeguarding practices.

**Case 4:** This is a case about a Disabled Persons Railcard holder. The Railcard had been incorrectly used by the consumer's husband and then confiscated. The consumer complained about this confiscation and requested the return of their Railcard. It was explained that the Rail Ombudsman cannot make a decision that could prejudice byelaw enforcement but potentially could consider the customer service issues raised. If the railcard was confiscated under the byelaw enforcement, the Rail Ombudsman could not compel the RSP to return it. The RSP found no record that the Railcard had been confiscated by a member of their staff. The case went through adjudication and ended with no award, because it could not be verified that the RSP had confiscated the Railcard.

**Case 5:** This case is about ticket validity at the gateline, where tickets are subject to automated blocking under certain circumstances – in this instance the checks related to Off Peak Ticket validity. The complaint was that the consumer was disadvantaged because their ticket required checks, which the consumer believed was due to a Disabled Persons Railcard being used. There was an allegation of discrimination as a result. The RSP explained and evidenced that checks were in place due to the customer holding an Off-Peak ticket, which is

valid, but travelling during a peak period time – with action being taken for revenue protection purposes.

The Rail Ombudsman found that the RSP's response to the consumer addressed all the points raised and had been conducted in accordance with the provisions of their published Complaint Handling Procedure. During mediation, the RSP advised of a change to gateline programming in light of the consumer's feedback, with the effect of preventing reoccurrence of the issue.

**Case 6:** The consumer presented as neurodiverse and complained about advice given to them whilst in the station. The consumer made the point during the case that they were very worried about acting in contravention of the terms of their ticket, which is why they wanted to get clarification before travelling. The consumer had challenged staff as they missed their service and disputed the advice given about what services they could travel on. The consumer wanted to travel on any service with the Advance ticket. There was no award made. The Rail Ombudsman found that the RSP sold the ticket but was not obliged to offer alternative travel because the consumer's ticket was for travel with another provider.

**Case 7:** The consumer claimed and received a refund instead of Delay Repay. They then received a Fraudulent Travel Notice 6 weeks later, because they had claimed incorrectly. The Rail Ombudsman could not uphold the consumer's claim on the basis that the consumer had received a full refund from the retailer and therefore received the full amount that could have been claimed via Delay Repay. The Rail Ombudsman could not comment on the Fraudulent Travel Notice. Considering examples of PFNs, UFNs and TIRs, a learning arising from this case involving a FTN is the apparent complexity of the range of enforcement measures available and their application. This is hard to understand from the perspective of the consumer.

In summary, the cases in-scope covered a range of issues, including the provision of Penalty Fare Notices (PFNs), digital railcards, railcard validity, invalid tickets, disabled railcard holders, and safeguarding concerns. A recurring theme is the complexity of cases involving a blend of in-scope and out-of-scope matters, which are intrinsically linked. This means the Rail Ombudsman's capability as a communicator is as vital as its ability to determine consumer entitlement. This has a significant bearing on the context of the 'Single Front Door' service, as managing consumer expectations as early as possible in the process is key to smooth progress and minimising the risk of a disappointing service experience.

## 4.4. Retailing

The Rail Ombudsman received 991 cases about retailing in 2022-2024. Of these, 554 were in-scope and 437 were out of scope. Within the out-of-scope category there were 43 Penalty Fare Appeals (table 5).

Table 5: Retailing

Total cases 2022-2024	991
In-scope	554
Out-of-scope	437 Of which 43 Penalty Fare Appeals

Out of the 554 **in-scope** cases we have provided examples of overcharging and no booking confirmation below.

**Case 1:** A consumer purchased a ticket for a long journey with multiple changes. The ticket was purchased from a Ticket Vending Machine, and they selected a specific route, because it was cheaper than other ticket options for the same destination. They assumed that as they had purchased this ticket, the journey would be possible. They began the journey but found at a later station that they had missed the last connecting train. This meant they had to purchase a further ticket to complete their journey. The RSP's response to the complaint was that the consumer should have checked their journey before travel. The Rail Ombudsman considered the information available. The Rail Ombudsman explained the RSP's response to the consumer. The Parties settled with a small gesture from the RSP.

**Case 2:** The consumer believed they had booked tickets on behalf of themselves and travelling companions. Three days before they travelled, the consumer realised that they had not received a booking confirmation email and could only see a single ticket in their online account. On the day of travel, the consumer states that they arrived at the station an hour before the service was due to depart, in order to allow time to discuss the tickets with the RSP's staff. The consumer stated that five staff all confirmed they could travel. However, when they reached their destination, they felt they were "treated like a criminal" and had to wait for an additional 20 minutes before they were let through the gates.

They complained about the ticketing issue and were told that no faults were identified with the ticketing system. The claim could not be upheld as there was no evidence of fault with the RSP system. This case highlighted the reoccurring issue of accounts of interactions between consumers and staff, which cannot be verified.

**Case 3:** The consumer complained that they purchased a more expensive ticket for travel, because they were worried about ticket validity, and were not given clear instructions at the ticket office. The Rail Ombudsman could not verify the advice provided by the ticket office and therefore had no grounds to uphold this claim.

Within the 437 **out-of-scope** cases we have examples involving ticket office issues and digital sales, Third-Party Retailers and interactions with train conductors.

**Case 1:** This is a case brought by a visually impaired consumer. The consumer complained that there were no staff at the ticket office, and only a touchscreen ticket machine. The consumer explained that they travelled but were worried about receiving a Penalty Fare Notice. They also complained about how they were treated at the gate when exiting at their destination station, because the staff appeared to question the consumer's disability. They were then allowed through the gate but had to return to show the ticket to staff once it had been purchased at the ticket office. The policy issue relating to the implementation and useability of touchscreen ticket machines was transferred to Transport Focus.

**Case 2:** The consumer stated that the ticket machine was out of use, so they boarded the train without a ticket. The consumer received a Penalty Fare Notice, had appealed via the appropriate channels and contacted the Rail Ombudsman to appeal further. Irrespective of the circumstances surrounding the purchase of the ticket, the issue/appeal of a Penalty Fare is out-of-scope for the Rail Ombudsman and the case was transferred to Transport Focus.

**Case 3:** This is a case about a Third-Party Retailer. The consumer purchased their ticket from a Third-Party Retailer, and their Railcard was automatically applied. When the ticket was checked, the Railcard was found to be out of date. The consumer received a Penalty Fare Notice. Their complaint was that their digital Railcard was purchased from the ticket retailer and therefore should not have been applied to the sale. As the service provider was outside the Rail Ombudsman's jurisdiction at the time the case was presented, the issue was transferred to Transport Focus.

**Case 4:** The consumer was running late to the station. They tried to purchase a ticket via a RSP's app before getting on the train. This was unsuccessful; the



consumer claiming as a result of a technical error. The consumer claimed that they had previously purchased tickets onboard a service on this route and believed they could do the same. They tried to buy the ticket on train from the conductor. A Penalty Fare Notice was issued, which the consumer found to be a humiliating public experience. As the Penalty Fare Appeal represented the substance of the issue, the Rail Ombudsman transferred the case to Transport Focus. This case represented a clear example of the tensions between potentially in-scope and out-of-scope issues raised by consumers in the same application. This consumer's points about the experience raised questions of whether the case should be accepted to examine the staff interaction, however the matter was so closely related to the out-of-scope matter of the Penalty Fare, with very limited information relating to the ancillary matter. The Rail Ombudsman must approach this remit decision on a case-by-case basis and in this instance the transfer of the case to Transport Focus was deemed the most appropriate course of action.

In summary, the theme of retailing attracted a mix of in and out-of-scope claims for the Rail Ombudsman. The cases outlined reflect a range of challenges consumers perceive with ticketing systems and customer service in the rail industry. In cases where faults or overcharging were identified, such as in Case 1, the RSP acted swiftly to resolve the issue and refund the consumer. However, in situations involving unclear instructions, technical issues, or third-party interactions, such as those seen in Cases 2 and 3, the complaints could not be upheld due to insufficient evidence or because they fell outside the scope of the Rail Ombudsman's remit. Additionally, cases regarding ticketing difficulties, such as the failure of ticket machines or issues with digital sales, highlight systemic concerns that may require broader intervention, as seen with cases transferred to Transport Focus. These examples demonstrate the need for clearer communication, better staff training, and more robust ticketing systems to ensure consumers are treated fairly and informed throughout their travel experience.



## 4.5. Provision of Information

The Rail Ombudsman received 308 cases about provision of information in 2022-2024. Of these, 213 were in-scope and 95 were out of scope. Within the out-of-scope category, there were 8 Penalty Fare Appeals (table 6).

Table 6: Provision of Information

Total cases 2022-2024	308
In-scope	213
Out-of-scope	95 Of which 8 Penalty Fare Appeals

Of the 213 **in-scope** cases, we provide some examples that involve telephone advice, train cancellations, contactless travel and challenges for people with disabilities.

**Case 1:** This case is about telephone advice regarding restrictions on a Super Off-Peak ticket. The consumer held a Super Off-Peak ticket and sought to clarify its validity for their intended journey. In response to the advice received, the consumer decided that they needed an Anytime Single ticket and purchased a new ticket. They then complained to the RSP that on further consideration of the ticket terms they believed the purchase of the new ticket was unnecessary and based on incorrect advice.

Through the Rail Ombudsman's investigation, it was determined that incorrect advice had been given by the RSP to the consumer. This case was therefore upheld in part and an award was made of half the value of the Consumer's Super Off-Peak Return. The Rail Ombudsman recommended that the RSP reconsiders how to handle ticket validity queries and to more proactively use/signpost the ticket code finder on National Rail Enquiries.

Ticket validity queries, as experienced in this case, arise frequently due to the apparent complexity of ticket terms.

**Case 2:** This is a case about communication from a Third-Party Retailer. The consumer's train was cancelled, and they received a notification of disruption

from the Third-Party Retailer. The customer travelled on a service operated by a different train company and received an Unpaid Fare Notice. The consumer misunderstood the notification received but also complained that they had been told by a conductor that they could travel on this train. No evidence was available of the interaction with staff and the RSP was not at fault in issuing a UFN in the circumstances. However, the matter of the notification issued by the retailer was outside the Rail Ombudsman's remit.

**Case 3:** A consumer complained that they received a UFN because they were given incorrect information by the RSP. The consumer had purchased tickets in advance and stated that they sought advice from the RSP's customer service and also at the station before boarding a train provided by a different train company. The consumer had appealed the UFN, but the appeal had failed.

On the day of travel, the consumer had received notification via email from the RSP that their train had been cancelled. As there were no later trains provided by the RSP that day, they sought advice from customer services and the station staff before travelling. They followed advice at the station that they could travel if their tickets allowed them through the barrier. However, after 5 minutes of travel, they were issued with a UFN. As a result of mediation, the RSP offered to reimburse the consumer with the amount paid for the UFN. The consumer accepted this.

**Case 4:** This is a case brought by an autistic consumer, whose service was cancelled. They held Advance tickets and asked at the ticket office to be allowed to board a different train company's service. This was declined. The consumer did not accept the answer, because they understood the Advance ticket rules to be that they could travel on any train if their service was cancelled. They did not accept explanations from staff that the rules allowed travel on the next train provided by the relevant train company.

At adjudication, no award was made on the basis that the RSP had advised the consumer correctly (evident from both parties' account of the event) about the terms of the ticket. Again, understanding ticket validity was the keystone to this case.

Of the 95 **out-of-scope** cases there are examples that involve queues, cost, and mistakes in ticket purchasing. In all instances, the complaint was substantively the appeal of a Penalty Fare, which is outside the Rail Ombudsman's remit.

**Case 1:** This is a complaint about ticket purchasing. The consumer stated that there was a long queue for the ticket machine. Ultimately, they boarded the train without having bought a ticket. When they reached their destination, they were issued with a Penalty Fare. The consumer complained that they thought they could purchase a ticket at their destination. The consumer had appealed the Penalty Fare unsuccessfully and the Rail Ombudsman therefore transferred the case to Transport Focus.

**Case 2:** The Consumer complained about the high cost of a Penalty Fare, in comparison to their ticket cost. The matter concerned the further appealing of a Penalty Fare and a matter of pricing policy, so the Rail Ombudsman transferred the case to Transport Focus.

**Case 3:** The Consumer complained that they were issued with a Penalty Fare Notice. They claimed to have made an honest mistake in thinking their Off-Peak ticket was valid. They had appealed the Penalty Fare unsuccessfully prior to escalation. The Rail Ombudsman transferred the case to Transport Focus in accordance with our remit.

Under the theme of provision of information, the in-scope cases illustrate a wide array of issues faced by consumers in the rail industry, from alleged miscommunication regarding ticket validity, how cancellations are handled, to challenges with ticketing advice, including for individuals with disabilities. Scenarios like Case 1, where partial compensation was awarded due to misleading telephone advice, highlight the importance of clear communication and guidance for consumers. Additionally, cases involving Third-Party Retailers and the complexities of travelling with different train companies further underscore the need for consistent and accurate information to avoid confusion and unnecessary penalties. While some cases were upheld, others, such as in Case 4, revealed deeper systemic issues with how staff handle special requirements and ticket rules, particularly for disabled passengers. On the other hand, the out-of-scope cases predominantly revolved around issues such as delays at ticket machines, Penalty Fare Notices, and misunderstandings related to ticket validity. These cases highlight problems outside the Rail Ombudsman's remit but show the need for clearer guidance in ticketing policies and enforcement. Overall, these cases underline the ongoing need for improved communication, better staff training, and more consumer-friendly policies in the rail industry to ensure passengers are treated fairly.

## 4.6. Staff conduct and availability

The Rail Ombudsman received 592 cases, 405 of which were in-scope and 187 out of scope. Within the out-of-scope cases, there were 23 Penalty Fare Appeals (table 7).

Table 7: Staff conduct and availability

Total cases 2022-2024	592
In-scope	405
Out-of-scope	187 Of which 23 Penalty Fare Appeals

The cases presented below that were **in-scope** involved PFN, tickets, diversity characteristic, oyster card confiscation, and missed trains.

**Case 1:** The consumer was issued with a Penalty Fare Notice. They were travelling with a child's ticket but were over 15. The complaint was about the behaviour of the conductor – it was said to be intimidating and frightening.

The PFN was not challenged and the complaint centred on the behaviour of the RSP staff member. The RSP was found to have logged the complaint correctly. The availability of bodycam footage was considered, but it was found that this hadn't been activated. As such, an award could not be made given the limitations of the available evidence.

**Case 2:** The consumer boarded the train without a ticket because they had previously been allowed to purchase a ticket on the train. A Revenue Protection Officer issued a Penalty Fare Notice. The consumer complained to the RSP about the conduct of the Revenue Protection Officer, stating they were rude and aggressive. Following investigation and consideration of the available evidence, the Rail Ombudsman awarded an apology, but no compensation. Pertinent here is that the RSP offered the consumer an apology in the course of handling their complaint. This was rejected as the consumer also sought compensation.

The availability and quality of evidence was an important factor. An administrative error was made in requesting bodycam footage by the RSP; however, the consumer also failed to adhere to the complaint process set out by

the RSP, which meant the request for footage was made later than it could otherwise have been. The RSP was not found to be responsible for the lack of bodycam footage; the retention policy meant that this evidence was therefore no longer available at the escalated complaint stage.

**Case 3:** The consumer's Railcard had expired. A Penalty Fare Notice was issued at the station. The consumer complained that they were aggressively apprehended by 11 ticket inspectors, stating that the interaction made them feel unsafe. The Rail Ombudsman investigated and could express empathy with the account given but had no evidence to uphold the complaint.

**Case 4:** In this case, a Penalty Fare Notice was successfully appealed. The complaint was that the consumer was made to feel like a liar and a criminal by the conductor. The Rail Ombudsman investigated, but did not have proof required to assess the interaction or award compensation.

**Case 5:** This case was brought by a neurodivergent consumer. There was an altercation during a ticket check when the ticket did not work at the barriers. The consumer was allowed through but then had an argument with gate staff when told "not to grab" the ticket back. Eventually the staff threatened that the consumer would be removed. There was an allegation of discrimination where staff were said to have "laughed at a hidden disability" and also anxiety caused by the incident. The case was settled at the Mediation stage of the Rail Ombudsman's process and the consumer accepted £30 in cashable Rail Travel Vouchers, plus a call with an apology and reassurance about hidden disabilities training.

Whether Rail Travel Vouchers are cashable or not is a relevant consideration in achieving settlements and making appropriate awards. Cashable vouchers are often preferable to consumers, who may not have further travel plans. Additionally, no change is given when vouchers are used.

**Case 6:** This is a case about a child's Oyster card being confiscated. However, there was no record of the incident. The Rail Ombudsman did not make an award due to lack of proof but recommended that the RSPs review their logging of incidents. The Parties disagreed about whether or not it was the RSP's staff or Transport for London staff who took the card - if the incident had been logged this would have been more apparent.

In summary, the theme staff conduct and availability showed that complaints usually centre on the alleged behaviour of staff, with some consumers feeling intimidated or mistreated. The in-scope cases reflect a range of issues that passengers

encounter, from Penalty Fare Notices (PFNs) and ticketing disputes to concerns about staff behaviour and experiences of discrimination. Cases such as Case 1, where the consumer claimed to have faced intimidating conduct from the train conductor, and Case 3, where an encounter was tied to the consumer's self-identified diversity characteristic, highlight the need to ensure optimal training in both customer service and sensitivity towards passengers' individual circumstances, to promote the correct behaviour and also demonstrate that appropriate measures are in place, in the event of an allegation being made.

Case 4, where a PFN was successfully appealed, further underscores the importance of treating consumers with respect and not defaulting to a position that makes them feel criminalised or implies dishonesty when issues arise. However, other cases reveal challenges related to ticketing systems and staff handling of vulnerable or neurodivergent passengers. For example, Case 5 illustrates how the handling of a neurodivergent passenger's situation could lead to anxiety, while Case 6 highlights the lack of proper incident logging, leaving confusion over the confiscation of a child's Oyster card. Overall, these cases suggest the opportunity for a more empathetic, well-trained workforce, better incident documentation, and a more consistent approach to ensuring that all passengers, regardless of their personal circumstances, are treated fairly and with respect in the rail system. However, the Rail Ombudsman's available evidence suggests the picture is far more nuanced than suggesting a systemic issue relating to staff conduct.

The availability and quality of evidence was a recurring theme; in the context of allegations being made about staff conduct, which often amount to one person's word against that of another. By taking all reasonable steps to ensure the complete and accurate logging of incidents and wherever practicable bodycam footage, RSPs can minimise ambiguity in the event of a complaint. This would likely equally serve to deter poor behaviour on the part of both RSP staff and consumers. RSP staff are responsible for enforcing correct travel procedures and RSP evidence suggests rude and adversarial behaviour on the part of consumers also. The Rail Ombudsman's casework originates from consumers who believe they have a valid complaint and are prepared to pursue it to the point of dispute. This section tackles complaints specifically relating to staff conduct and it should be considered in the context of other complaint themes, where no rude or intimidating behaviour was suggested. Furthermore, it may be considered in the wider context of interactions that are not escalated to the Rail Ombudsman by consumers.

## 5. Recommendations for change

### 5.1 Casework recommendations

As part of its casework, the Rail Ombudsman makes recommendations to RSPs individually and also to the industry more widely. Individual RSP recommendations most commonly occur at the adjudication stage, because it is at this point that the Ombudsman will have addressed the case in full detail and formed a definitive view on consumer entitlement. Therefore, many cases on revenue protection themes will not reach this point in our process. However, the analysis of the Rail Ombudsman's casework recommendations on revenue protection identifies the **provision of information** as a recurring theme.

The Rail Ombudsman has suggested that there is opportunity to enhance the clarity of messaging which may prevent consumers from accidentally boarding the wrong service. This would equally assist RSPs in tackling those who wilfully do so. We suggest therefore, the following as an example of a positive change that could be implemented at a tactical level to address the specific issue of passengers boarding incorrect services during disruption, thereby creating the circumstances for revenue protection issues:

*The Rail Ombudsman recommends that RSPs consider ticket office/station signage about ticket validity when an Advance ticket journey is subject to amendment or cancellation. There should be specific notes to highlight that authorisation to travel on a different service must be evidenced in specific ways, unless there is ticket acceptance in place.*

The **prominence of information** has also been a recurring theme of Rail Ombudsman casework. A hierarchy of information must exist in order to display the considerable volume of information relevant to passengers; some pieces of information will necessarily be more prominent than others. The industry may therefore consider the relative merits of displaying certain information more or less prominently, from the perspective of reducing the opportunity for passenger errors leading to revenue protection actions. Similarly, any reduction in the volume of information relevant to passengers would help to achieve this outcome.

While at the time of compiling this report the Rail Ombudsman has not handled casework for any Third-Party Retailer of tickets, from the case studies examined it



is clear that **passenger information obtained via the ticket retailer** is important in the revenue protection context. A whole-sector view of passenger information – particularly notifications and communications around disruption – is necessary to promote correct travel practices by passengers.

The complexity of ticket terms and confusion over validity issues have been significant factors in our casework and recommendations made. It is during the complaint process that these issues are teased out and, in our experience, RSPs generally display a preparedness to consider whether a gesture may be appropriate during mediation, particularly for complaint handling issues.

## 5.2 Joined up working and a holistic approach to enforcement

In the context of rail reform and the associated evolution of the rail complaint landscape, it is important to retain the value of existing learning and cooperation about the impact of revenue protection actions both for consumers and the industry. Through the Rail Ombudsman's engagement with the sector, we have gained insight into the scale, complexity and challenges of revenue protection. We have taken steps to ensure that our work as an independent and impartial body does not inadvertently undermine valid revenue protection activity, while ensuring that we play our part as one of the vital checks and balances in the system. We recommend that active focus is given to ensuring that all component parts of the escalated complaint landscape work positively towards both effective enforcement and the protection of consumer rights, and that siloed approaches are 'designed out' at source.

## 5.3 Rail Ombudsman remit and scope - Revenue Protection

As our report demonstrates, there is an overlap between byelaw enforcement and other issues that fall more squarely in the Ombudsman's remit. Bringing disparate complaint elements together at the appeal stage would simplify the landscape. This leads to an overarching point that the bylaws could be better understood by all. We suggest that Rail Ombudsman publications can play a role in achieving this. For instance, the Rail Ombudsman's [Young Persons Train Guide](#) is being re-visited and updated, and can be re-purposed as a national education piece.



The landscape for escalating revenue protection issues is complex with multiple actors and remits that interact. In reality, complaints are usually multi-faceted and decisions on remit must be approached carefully and on a case-by-case basis, sometimes necessitating additional engagement between the bodies involved. Separating ancillary matters from the root cause complaint – typically a Penalty Fare Appeal – relies on consistency to ensure fairness between service users.

The Rail Ombudsman can look at Unpaid Fare Notices and the way these are administered. There is a source for potential confusion around different types of enforcement action. In our report we reference UFN, PFN, TIR and FTNs, all of which can have different implications. Further, as can be seen from our case work, staff inconsistently exercising discretion with regards to selling tickets to passengers on-board creates significant passenger confusion about what the rules are and what is permitted.

Evidence from the Rail Ombudsman's review of these areas indicates that the ticketing Terms and Conditions have to be improved to ensure that the consumer is not disadvantaged by hard-to-understand ticket options, technical issues in purchasing tickets, and misinformation. This is a complex and evolving area that has been shown to be hard for consumers to understand. Through rail reform there is an opportunity to provide information in an accessible and timely way, so that people understand their options and have confidence that they are getting the best deal and travelling with a valid ticket.

As part of this, clearly laid out and easy to understand processes in which people understand their obligations, rights and routes to recourse are vital. The [EFL Sanctions Guide](#) is a good example and may help in determining what action is proportionate and when/how mitigations could be considered.

Finally, further efforts to achieve the consistent application of a joined-up approach to revenue protection enforcement action across the sector, are highly recommended. Here, case studies of successful enforcement could act as a deterrent and as a tool for learning. Another advantage to collaborating with different organisations in the sector and collecting case studies is the consideration as to when discretion is appropriate and how it is exercised. Greater consistency in approach is something that could be achieved with better guidance.

For example:

*“A train manager told me recently that if someone has a ticket and has clearly tried to navigate the complexities, they do not take action. Whilst this indicates an empathetic approach, a commitment to educating people, and preparedness to give the benefit of the doubt, it also demonstrates inconsistency in approaches taken by rail staff.”*

*Judith Turner | Deputy Chief Ombudsman*

## 5.4. Good practice and insights from other sectors

We will outline things that the rail industry could consider for adoption as they might help address some of the Revenue Protection issues our analysis has highlighted. Here we refer to and build upon what we found in our [deep dive report](#) in 2024. We mention in particular standards and insight panels, consumer codes, process reviews and signposting.

### 5.4.1. Standards boards and insight panels

Many Ombudsman schemes draw on expertise in the form of a standards board or other advisory panels. The Rail Ombudsman also appoints an Independent Assessor. These typically provide feedback so the Ombudsman can improve their quality of work. The feedback is used to check decision-making, and to provide scrutiny to the sector in which they operate.

### 5.4.2. Consumer codes approval schemes

Consumer codes and other complaint handling mechanisms operate across many sectors and are assessed against a standardised set of criteria. The Ombudsman Association, for example, is doing a lot of work to improve the standards in the industry and has produced a [Service Standards Framework](#). Similarly, the Consumer Codes Approval Scheme is a good example of where a set of standards is universally applied and regularly assessed with a high level of scrutiny.

The Chartered Trading Standards Institute (CTSI) states "[The Consumer Codes Approval Scheme](#) (CCAS) aims to improve customer service standards by:

- The approval and promotion of codes of practice through code sponsors, approved by CTSI
- Protecting consumers with higher levels of customer service
- Allowing businesses to display the codes logo to reassure consumers.

### 5.4.3. Process reviews

There are some examples of best practice that ensure traders to design processes with the end user in mind. In terms of ensuring inclusive access to processes, [ISO2248 – Consumer Vulnerability](#) provides a checklist that organisations can work through to enable them to review and evaluate their processes. We are aware that consumer vulnerability is being approached proactively by water and energy companies, through enhanced data sharing via a Priority Services Register, which promotes consistent recognition of an individual's circumstances and approaches to service. Data sharing challenges are being met through solutions such as ID5.

Other sectors have sector-specific documents, for example The English Football League (EFL) have produced a [Sanctions Guide](#). This provides a comprehensive guide on how to establish processes which are transparent, meaningful and which adhere to the principles of natural justice.

Complaints handling processes can be complicated to design and the Rail Ombudsman has recently changed its process for handling complaints from passengers about its service on advice from the Independent Assessor. This was to ensure that complaints about its service are now escalated to an Ombudsman who was not involved in the original case.

There is much guidance relating to complaint handling, such as those contained in the [Financial Conduct Authority's \(FCA\) new Consumer Duty](#). The main points contain:

- A new Principle for Business: the "Consumer Principle which requires firms to "act to deliver good outcomes for retail customers";

- "Cross-cutting rule" setting out three overarching behavioural expectations that apply across all areas of firm conduct; and
- "Four Outcomes", which are a suite of rules and guidance setting more detailed expectations for firms.

The FCA states that Firms should ask themselves:

- Am I treating my customers as I would expect to be treated in their circumstances?
- Are my customers getting the outcomes from the products and services that they would expect?

In 2023 the ORR modified their Complaints Handling Code of Practice, which defines good-practice principles and core minimum requirements that all licence holders must deliver through their complaints handling procedure. This is a positive step towards consumer-oriented standards for the industry.

The imbalances of power between parties have to be acknowledged. Processes need to be devised to help customers understand their obligations – the manner in which information is presented and, by extension, how products are sold, is crucial and likely to be open to scrutiny.

For all these examples, data and regular monitoring are the key to evidencing compliance with the duty and ensuring ongoing commitment to it.

#### 5.4.4. Signposting

Inconsistent signposting to the Rail Ombudsman by RSPs could lead to consumer confusion and detriment. ORR's Complaints Code of Practice makes provisions for reference to ADR in complaint acknowledgements to promote consistency. There are also examples in other sectors where this is mandated in a uniform, consistent way to ensure consumer know at first point of escalation that there is an independent body that their complaint could be directed to. This is particularly prevalent in financial services, providing reassurance to consumer from the outset.

There is a lot of confusion, as some of the case studies above show, about advance ticket terms during disruption. There is a need for clear signage to advise people as well as advice at railway stations which would potentially help improve passenger awareness and understanding. Further, a timely complaint response can help to mitigate the impact of a poor experience.

## 5.5. Quality of interaction and communication

It is vital for staff to stay on top of trends and developments in the sector as well as specific consumer behaviour and complaints patterns. To do this, regular staff training needs to be undertaken both regarding rail products available and the way in which these passenger interactions are handled (e.g. through complaints handling training).

There are reports relating to the conduct of ticket inspectors on trains and station staff, but this is often difficult to verify. Of course, there needs to be a balanced narrative, and both sides of the story acknowledged. However, witnessing a conductor on a train or at a station getting into a disagreement with a customer does not look good for the sector and undermines trust. Here, CCTV or Bodycam footage can be helpful – it would provide more evidence on passenger interactions and help identify issues. It may also be helpful to RSPs, whose staff cannot reasonably be expected to remember every interaction if an account is sought after the event. Improving the availability of this evidence, both for RSPs' own use and in the event of a dispute by the Rail Ombudsman, would help to remove ambiguity and allow reliable assessment of scenarios that often otherwise amount to one individual's word against another.

There are also accounts of shifting consumer behaviour which were noted by the [Rail Sector Liaison Panel in 2023](#). For example, panel members observed an increase in anti-social behaviour complaints (e.g. vaping, alcohol). Consumer behaviour towards rail staff was also reported to be abusive at times; operators referred to, their use of the [Malicious Communications Act](#), for example.

The Dispute Resolution Ombudsman has an [unreasonable actions policy](#) which helps manage the Rail Ombudsman manage this. This concise policy covers what falls under unacceptable behaviour, and what the actions in response to this are. This could form the basis of a more nuanced, industry-wide approach and policy on matters of antisocial behaviour and unreasonable actions for both sides of an interaction, the consumer and the staff.

## 6. Conclusion

Our report, based on our casework insights from 2022-2024, highlights key challenges in ensuring fairness and transparency in revenue protection and consumer interactions. It demonstrates the complex and often inconsistent landscape in which consumers navigate their ticketing complaints, Penalty Fare Appeals, and the communication about policies. Our report has examined a range of in-scope and out-of-scope case studies – and has demonstrated the complex interplay between those elements and the disparate nature of resolution.

Our casework reveals that revenue protection enforcement is frequently perceived by consumers as confrontational and emotionally charged, underscoring the need for clear, accessible, and well-communicated policies.

Consumers often face confusion regarding ticket validity, penalty fares, and the respective remits of available recourse mechanisms. Miscommunication about ticket validity, especially during disruptions, continues to generate avoidable disputes. The Rail Ombudsman has identified areas where improved signage, digital notifications, and proactive guidance can reduce passenger confusion and unintentional fare evasion.

Staff conduct and availability remain areas of critical concern to some consumers. Our report highlights instances where passengers felt mistreated or discriminated against, emphasising the need for ongoing staff training in customer service, fostering equality, and vulnerability awareness. Ensuring a respectful and supportive interaction between rail staff and consumers is key to maintaining confidence in revenue protection measures.

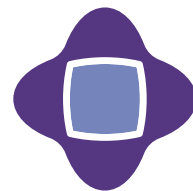
Our report advocates for a simplified, more holistic and joined-up approach to Revenue Protection. This can be achieved, for example, by building on existing industry collaboration to integrate insights from other sectors for joined-up working practices. A single entry point that simplifies the landscape would improve consumer experiences and improve the efficiency of resolutions.

The Rail Ombudsman recognises the fundamental necessity of the Revenue Protection activities examined by this report, which can be important to the industry as well as to passengers who pay to travel and should rightly expect others to do the same. Our report draws on our casework, which is consumer-led i.e. the issues brought to us are those where consumers feel they have a just claim against an RSP – case outcomes represent a mixed picture. Through our

engagement with the sector, we understand that the industry tackles Revenue Protection interactions that *do not* go on to become disputes escalated to the Rail Ombudsman. It is important to recognise that our findings represent a subsection of the insight that will be available to ORR from stakeholders across the industry and consumer landscape through its review.

Viewed holistically, we believe it is clear that this is an area where the industry must be supported in its delivery by all stakeholders: this could be in the form of constructive challenge and being held to account for poor performance, as in some examples of Ombudsman casework. It can also be in the form of recognition of the challenging nature of this work on the network and the need for RSP staff to be equipped to deal with difficult scenarios; promotion of best practices that exist within the sector for wider, consistent uptake; and support in ensuring that users of the railway understand and meet their obligations with regard to travel.

# The Rail Ombudsman



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