



Department  
for Transport

**Penalty Fares on National Rail services**

**Third Stage Independent Appeals Panel**

**Information for Applicants**

January 2024



**LONDON  
TRAVELWATCH**

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## 1. Background

Penalty fares protect paying passengers by acting as a deterrent on those in the minority who travel without a valid ticket. However, sometimes honest passengers can be caught out by a genuine mistake, which can result in a penalty fare being issued incorrectly. When given a penalty fare, passengers are informed by rail staff how to appeal against the decision. If a passenger decides to appeal, they must contact the relevant appeals body who will review their case and make a decision based on scenario frameworks, their Code of Practice and discretion.

The government introduced a new independent third tier appeals process for penalty fares by [statutory instrument](#) in 2018, for passengers who consider they have been issued incorrectly with a penalty fare, and whose appeals at the first and second stage were unsuccessful. The penalty fares regime was further amended and updated by [statutory instrument](#) in 2022. The new arrangements came into force in January 2023, and are helpfully summarised in the industry's [penalty fares guidelines](#).

Appeals are processed by the relevant Appeal Service Providers (ASP's) who must be independent of the day-to-day commercial management of individual train operators. The cost of processing an appeal is paid by the train operator and the fee per appeal is the same, irrespective of the outcome. It is important that any appeal is judged fairly and consistently, in strict accordance with the Department for Transport criteria and application of the Penalty Fare Rules and Regulations.

Passengers can appeal a penalty fare at a first, second and third stage. At each stage evidence must be provided to support the passenger's case. Appeals bodies are also able to use supplementary technical information as necessary to make a decision on whether an appeal is allowed or refused.

There are currently two Appeals Service Providers (ASP's) providing penalty fares systems and appeals assessment services to those train operating companies who operate an approved penalty fares scheme. Panel members will be allocated to one of them by witnessed lottery. Their gateway websites are as follows:

ITAL-UK Ltd: [www.appealservice.co.uk/](http://www.appealservice.co.uk/)

Penalty Services Ltd: [www.penaltyservices.co.uk/app/choosecompany](http://www.penaltyservices.co.uk/app/choosecompany)

**The third stage appeal process must be, and be seen to be, wholly independent of both the rail industry and the ASP's, hence panel members are appointed by the independent watchdog, Transport Focus.**

## 2. Description of the Role

We are looking for suitable individuals to make up panels of three members who will look at third stage penalty fares appeals and make decisions on them. You will need to act as independent arbitrators for those appeals which reach the third stage and consider the evidence of the previous 2 appeals. These decisions will need to be supported by evidence and in line with both regulations and the relevant operator's penalty fares scheme.

### *How the panel will operate*

Successful applicants will be allocated to one or other of the two service providers, which will be lottery based. Panel members will be provided with a remote log-in facility to the relevant casework system.

Once panel members are inducted and trained, panel members will be allocated cases for third stage review<sup>1</sup> on a strict rota basis. They will be notified of cases ready for review by secure email. Once logged on to the appropriate casework system, panel members will be able to see and review the entire case history. One panel member (again on a rota basis) will be charged with capturing the panel's decision on each appeal case and setting it out within a preformatted letter template. This process will be based on at least 2 panel members agreeing the outcome of the appeal case. The letter will be sent out to the appellant via their service provider's fulfillment process.

As the panel will not convene in person, conference call or video call arrangements will be made available to panel members to discuss cases allocated to them. It will be for the three panel members to arrange such a call at times that suit them, but within the strict timeframe permitted for determining the appeal.

Relevant training and support will be provided in order to help successful candidates make decisions and record them in the appropriate format. Training for the IT systems required will also be provided to successful candidates. Some travel will be required for training purposes initially, with costs covered by the relevant bodies involved, although most further training will be online with a requirement for some advance pre-reading / study. Initial and annual data protection training will be mandatory. Please see below for further details of initial training requirements.

The roles are part-time. Panel case work may be low in volume and irregular in frequency but may require more time commitment during the progress of a particular case. Panel members may be expected to make themselves available to attend up to one to two days a year of general meetings and training. **Panel members are paid at a flat rate per case of £10.00 but with a premium of £2.00 for those chairing a panel meeting and writing up a decision, on an in-turn basis.**

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<sup>1</sup> Note that for practical purposes, appointments to the new panel will be made with effect from 1 April, but will not become effective until 15 April, ie after the training event on 09/10 April.

### 3. Person Specification

#### *Responsibilities*

- Assess and process third stage penalty fare appeals
- Review case histories as appropriate to ensure decisions are informed and robust
- Ensure compliance with required legislation, appeals bodies internal guidance and Rail Delivery Group (RDG) best practice, and ensure each case is judged on its merits against these requirements
- Submit decision in the appropriate fashion and accurately update the appeals database
- Nominated panel member chair to communicate decision to appellants, ensuring letter addresses representations made by the appellant and quality check prior to dispatch
- Ensure appeal decision is correctly resolved on relevant systems, and ensure data protection requirements are met throughout
- Provide and maintain specified level of availability and contact when working remotely
- Liaise with relevant appeals body and mentors on resolution of queries
- On request from passenger bodies, be able to provide evidence that demonstrates due process has been followed throughout the third stage appeal process
- Attend familiarisation and training sessions as required
- Adhere to relevant company policy for Penalty Fares appeals organisation.

#### *Essential skills and competency criteria*

To discharge the above responsibilities, you should be able to **confirm in your covering letter or email** (see application process below) that:

- You can **commit to the equivalent of between 10-15 days per year<sup>2</sup>**, including days for initial training, in London, in April 2024
- You are **wholly independent** from any Train Operating Companies, or subsidiaries, contractors, related service providers and rail passenger groups
- You are able to **work remotely** with a secure internet connection.

You should **also** be able to **briefly** provide evidence of one example of **each** of the following skills / competencies in your covering letter or email. You might, for example, want to describe a work or personal situation where you have applied these successfully.

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<sup>2</sup> Review of and determinations on casework presented which you will normally be able to do at times to suit you, including evenings and weekends. This is an estimate of the total amount it will take only.

## **Problem solving and critical thinking**

The candidate is able to assess problems from a variety of angles by recognising relevant and irrelevant information. Will formulate solutions based on the facts. Able to understand research information or data and link outcomes to objectives. Establishes key facts and identifies root cause issues. Identifies a range of possible solutions and assesses the associated risks. Makes objective and reasoned decisions based on facts and evidence. Is able to interpret research information or data correctly. Quickly and accurately establishes and filters key facts and information. Champions an evidence based approach, making unbiased and emotionally controlled decisions.

## **Strategic thinking**

The candidate demonstrates environmental awareness. Understands the role of the panel and who the stakeholders are. Recognises how own role impacts and links into overall objectives. Thinks through the wider consequences of their actions and how these will impact on other casework. Considers wider strategic issues when developing approach to achievement of own objectives. Understands how key roles fit together and looks outside own roles to link strategically and achieve wider organisational goals. Identifies both internal and external issues that might impact the successful operation of the panel. Approaches strategic issues flexibly and manages the impact of changes in plans.

## **Influential communication**

The candidate communicates in a way that can be easily understood. Speaks clearly and concisely at an appropriate pace, checking for understanding. Presents verbal and written information in a structured way. Actively listens to others and asks questions to indicate engagement or for clarification. Engages positively when communicating with others. Adapts communication style to the needs of the audience and situation. Conveys credibility when communicating at all levels of the organisation. Persuades and influences others, considering the implications of messages being given. Negotiates in order to secure positive outcomes. Demonstrates diplomacy when faced with objections or potential conflicts.

### *Desirable skills*

In addition, we would be pleased to hear from candidates who can demonstrate evidence of:

- experience of working in a similar decision making environment, or have experience of arbitration or appeals processes
- experience of rail travel either as a commuter, business or leisure passenger

## 4. Equality and Diversity

The Department for Transport, Transport Focus and London TravelWatch are committed to the principle of appointments based on merit, independent assessment, openness and transparency of process. They are also committed to equality and diversity and especially welcome applications from women, members of ethnic minorities and people with disabilities, with the appropriate skills and experience.

Don't meet every single requirement? We are dedicated to building a diverse and inclusive panel, so if you're excited about this role but your past experience doesn't align perfectly with every item in the job description, we encourage you to apply anyway, you may be just the right candidate for this.

With that in mind, please can we ask that you tell share this opportunity with someone who may not know about this opportunity but you believe could bring a valuable perspective.

## 5. Application process

Transport Focus is managing the recruitment process. As matter of good practice, it is being carried out as if the Commissioner for Public Appointment's Code of Practice applied.

Applications will be considered by a selection panel comprising senior staff of Transport Focus and London TravelWatch. The panel's primary role is to ensure that appointments are made in a fair and open way and are made on merit to high quality candidates drawn from a strong and diverse field.

**To apply for one of these roles you must:**

- Provide a **covering letter or email** setting out why you are interested in the role, and **how you meet the essential skills and competency criteria (and any desirable criteria) outlined above. Please keep this letter or email to the equivalent of two pages maximum.**
- Provide an up-to-date curriculum vitae (CV) with full name and your preferred pronoun indicated.
- Download, complete and attach the **Supporting Information Form**. Part A of this form - regarding diversity - is **not** part of the selection process and will be treated in confidence and used for statistical purposes. It will be kept separate from your application and will not be seen by the selection panel until after a shortlist has been generated. Part B - political activity - will be provided to the Panel **only** for those applicants selected for interview; it will enable the Panel to explore such activity with the candidates in the context of their ability to perform their role. This form requires you to double click on a box to select your answer.

Referees you nominate will be contacted prior to interview for shortlisted candidates.

You should send all of the above by email to: Natasha Alvarado, Senior Board and Governance Advisor at Transport Focus, to: [panelrecruitment@transportfocus.org.uk](mailto:panelrecruitment@transportfocus.org.uk)

**Please note that the closing date for all applications is Friday 16 February 2024. Late applications may not be accepted.**

If you have problems emailing your application, please send a hard copy to:

Transport Focus - Panel recruitment centre  
Albany House, 86, Petty France, London SW1H 9EA

If you experience any difficulties completing your application form, please contact the Transport Focus recruitment centre at [panelrecruitment@transportfocus.org.uk](mailto:panelrecruitment@transportfocus.org.uk) for assistance before the closing date. Please provide a telephone number if you wish to be called back.

*After the closing date for applications:*

Your application will be first checked for completeness and eligibility. Applications will then be assessed by the panel against the criteria outlined in this document.

It is anticipated that shortlisting will be completed by 22 February 2024. Shortlisted candidates will be informed as soon as possible if they have been selected for final interview and a **telephone conversation** will be arranged. This will explore any areas



which remain unclear from the information provided, as well as exploring your motivation for applying. A record of this telephone conversation will be made available to the selection panel. Interview details will be confirmed by email or letter. Formal references will be taken up for shortlisted candidates prior to the interviews.

Formal interviews with the Selection Panel are expected to be held **11, 12 18 and 19 March 2024** via Zoom or MS Teams and you must be available on at least one of these dates. Interviews will include an opportunity to explore a real-life penalty fares case and for you to give a short, five minute presentation on its merits.

**A two day in-person training event will be held in central London on 09/10 April 2024. You must be available to attend. You will not be paid for this time, but the costs of travel, overnight accommodation and your meals will be met.**

## 6. Complaints Procedure

If you have a complaint about the recruitment and selection procedure, you should write to:

Matthew Barker  
Fares, Passenger Rights & Benefits Manager  
Department for Transport  
4/21, Great Minster House  
33 Horseferry Road, London, SW1P 4DR  
or email: [matthew.barker@dft.gov.uk](mailto:matthew.barker@dft.gov.uk)

If, after receiving a comprehensive response, you are still concerned, you can ask your Member of Parliament to raise the matter with the Parliamentary and Health Service Ombudsman.

## 7. Data protection

Transport Focus is a registered data controller and takes data protection seriously. The information you supply will be kept safe and used strictly for the purposes for which you supply it. This includes, but is not limited to, specialists retained by Transport Focus to assess your application and discuss it with you. By applying, you are giving your consent to sharing your information in this way. **Consent is therefore the lawful basis of processing your personal data under UK-GDPR Article 6.** Statistical abstracts from the data you supply will be made but will be anonymous. A copy of our privacy policy may be found on our website.

## The Seven Principles of Public Life

### **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example.