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— Mr David Kimball
ATP Guidance redress consultation,
Office of Rail and Road,
25 Cabot Square,
London, E14 4QZ

10 August 2026

Dear David,

Transport Focus welcomes the current ORR consultation, on the proposed framework to help rail operators determine appropriate redress when booked passenger assistance has failed.

We were grateful to have had sight of an early draft, and an opportunity to provide informal feedback. As you'll know, we agree that there is significant inconsistency in the way that complaints on failed assistance are handled by train operators - and we support the framework to remove some of the disparities that exist when it comes to redress. We are also supportive of the change to the ATP Guidance that requires operators to consider these types of complaints on a case-by-case basis.

We would like to offer the following points in response to the questions posed within the consultation:

Q1. Effectiveness of the framework - To what extent do you consider that the proposed framework will support more consistent, fair and transparent redress decisions in practice?

Whilst the proposed framework falls short of providing the minimum offer of compensation called for by Transport Focus in our response to last year's consultation, we welcome the proposed framework. We do so, in the belief that it will help drive fairer, more consistent redress outcomes for passengers who have experienced failed passenger assistance. And that if adhered to, it will help restore some level of confidence and trust held by passengers who have been left down by the railway.

Q2. Completeness of the framework - Does the framework capture the key considerations that should be taken into account when determining redress? If not, what is missing or should be changed?

1) Core principles

We agree that the core principles identified in the framework provide an effective way of helping operators determine redress on a case-by-case basis.

2) Key considerations

(A) Extent and nature of failure to provide assistance

We agree with the emphasis placed on operators to understand what was and wasn't within their control, to help identify necessary improvements. Although we think it implicit, we would welcome a direct reference to this extending to those external agencies working with, and on behalf of operators such as Rail Replacement Service providers and brokers. We also think this section should reference the anticipatory duty placed on all service providers by the equalities act.

(B) Journey impact

Transport Focus is supportive of operators considering the impact of any failure on the whole journey of a passenger, as highlighted by reference to missed connections and extended journey times. We appreciate there is mention of the National Conditions of Travel, under which condition 32.2, allows operators to consider "other losses" in exceptional circumstances. However, the reference to additional costs within the framework, should perhaps include 'missed events and appointments', and the impact this may have on the passenger.

(C) Personal and emotional impact and (d) Dependency and need

Transport Focus is hugely supportive of the inclusion of this in the framework, as it's a way for the railway to recognise the human impact that an assistance failure has on passengers. It also provides a nod to the Vento-scale, which we referenced in our response to last year's consultation on redress.

On dependency and need, we understand the distinction trying to be made but wonder whether the current reference to individual needs should be rephrased. Current wording suggests a person's condition might exacerbate the impact of the failure. Whilst we are confident it's not ORR's intention this could be perceived to be placing blame on the individual impacted. Perhaps the framework would be better placed to talk about the additional number of barriers passengers might have faced resulting from the failure.

(E) Operator conduct and co-ordination

We agree that these are important considerations for an operator, or service provider to take into account when providing redress. In some cases, the way in which a complaint is handled has the potential to be more frustrating and upsetting for the passenger than the original access failure itself.

(F) Repeated or structural failure

Whilst complaints need to be considered on a case-by-case basis repeated instances of failure experienced by a passenger on the same service or line of route should increase the seriousness of the case. Depending on the circumstances, to experience a service failure once might be considered unfortunate – though still unacceptable. To experience the same failure multiple times will leave passengers questioning why the industry isn't listening and doubting any previous assurances that corrective action will be taken. Doing more to erode trust in Rail than any single incident on its own.

We entirely agree that this should be a key consideration when assessing a case for redress. Cases of repeated failure should also trigger operators to review whether the root cause has been correctly identified (was identified - if previously investigated) and assess whether any remedial action undertaken is effective over a period of time.

In our work on bus accessibility, we discovered that one operator's Safeguarding Team, assessed all complaints data received from disabled passengers. Regardless of whether the complaint itself directly related to the accessibility of the service. So, in effect, any complaint where the complainant had referenced their disability. This enabled the team to better identify patterns of behaviour and take pre-emptive action before situations could escalate. We would encourage operators to broaden their use of complaints data to help them in this way.

3) Forms of redress

We agree with the forms of redress set out in the framework. Whilst it is appropriate in some circumstances for operators to offer Rail Travel Vouchers to passengers, many passengers will feel reluctant to be tied to using the railway again when it has let them down. Careful consideration should therefore be given to their suitability given the circumstances of the case, and the views expressed by complainants in their correspondence.

In most instances we believe disabled passengers will raise a complaint about failed assistance because they want the failures to be addressed. They will want to be confident that their concerns have been listened to, and action taken to prevent recurrence. Both for them, and the benefit of other disabled passengers. So, it is important that operators give us much weight to this, as they do the offer of compensation when considering their response.

(5) Transparency, oversight and escalation

Transport Focus agrees that there should be greater transparency of redress data, and aggregate learning to build trust amongst passengers and support cross-industry improvement.

We would encourage operators to look at extending that transparency to complaints handling satisfaction. So, having complained to an operator about an access failure how satisfied were passengers with the subsequent way that complaint was handled, and the outcome achieved. With greater transparency, we would hope there would be improved opportunity for operators to share and collaborate on examples of best practice.

Q3. Practical application - Are there any practical issues or challenges that operators may face in applying this framework, including in relation to evidence or complaints handling?

Within section four on evidence requirements, reference is made to the time limited availability of evidence such as CCTV footage. Transport Focus has previously called upon the rail industry to reduce the variation of CCTV quality and retention capabilities across the network. And for operators to adopt the good practice set out by RSSB and British Transport Police. We would reiterate that here, as CCTV footage has an important role to play when it comes to understanding how incidents unfold on both station and trains.

Q4. Further views - Do you have any other comments on how this approach could support improved outcomes for passengers?

Whilst the overview of the proposed framework, provided on the ORR website, explains that assistance failures also occur when Turn Up and Go assistance has been agreed, it is disappointing that the framework itself makes no mention of this - particularly when the framework sits outside the formal requirements of the ATP. The ATP guidance itself only links redress to booked assistance.

We would like to reiterate the point (made in our 2025 consultation response) that with many operators now providing more Turn Up and Go (TUAG) assists than booked - with a well-documented handover protocol – operators should extend redress to Turn Up and Go complaints.

Where a member of railway staff has agreed it is possible to provide the requested assistance, e.g. help a wheelchair user to board a train, the railway has accepted the responsibility of ensuring that passenger gets the help they need. When that help fails the potential impact on

the passenger is not lessened by the fact they haven't asked for it two hours ahead of departure. There will also be occasions when the handling of the request itself gives rise to a complaint being made. It could reasonably be argued that by helping the passenger board, that constitutes assistance that "was otherwise agreed", referred to under 'key considerations' in section two of the consultation.

Where the reason for a TUAG assistance failure is clearly identifiable and attributable to the railway, then the railway should seek to put that right in the same way as if the assistance had been booked. Some operators already adopt this principle. Whilst we understand the previous consultation and the draft framework do not seek to change the ATP guidance, we think it important the framework draws attention to the issue, and the need for operators to consider how they handle such complaints.

We hope the above comments are helpful and would be happy to provide further clarification on any of the points we raise.

Yours sincerely

Dan Taylor

Dan Taylor
Policy and Accessibility Manager