

Regulatory Impact Assessment – as published alongside October 2022 decision document

This regulatory impact assessment summarises the key considerations that we have taken into account in developing our proposals for a new Complaints Code of Practice (CoP) and amended licence condition. It updates the second draft regulatory impact assessment that we published alongside our June 2022 consultation to reflect the changes we have made to the text of the final CoP, following stakeholder feedback.

We have sought to summarise our proposals, and their potential impact on passengers and licence holders, alongside any other factors that have been taken into account.

Where proposals are new compared to our current complaints handling guidance, we have sought to indicate them with the word “new” in the table below. Where our proposals strengthen or amend already existing expectations within our current guidance, we have also noted this below.

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
New Amended licence condition on complaints handling	Licence holders will be required to establish and comply with a complaints handling procedure that complies with the CoP.	[+] Clarity for consumers on minimum standards, as well as guidance on good practice.	[+] Clarity for licence holders on minimum standards, as well as guidance on good practice. [+] Reduced regulatory burden via removal of the approvals process.	
New Complaints involving more than one licence holder	A complainant should not have to submit a complaint to more than one party in circumstances where a	[+] Clarity for consumers on ownership of complaints and	[+] Clarity for licence holders on how to coordinate responses to complaints involving multiple operators. Dispenses with uncertainty around how to coordinate a “single response” to	

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	<p>complaint involves more than one licence holder.</p> <p>A licence holder who receives a complaint relating to one or more licence holders will be required to respond to any aspect of the complaint that relates to their service and transfer any other issues to the relevant operator.</p> <p>They must inform the complainant that their complaint has been transferred and provide the complainant with the contact details of the relevant customer relations department of any other operators that the complaint has been transferred to.</p>	<p>information which will be provided.</p>	<p>complaints involving more than one licence holder.</p> <p>[+] Improves efficiency for operators in responding. Industry feedback to second consultation suggests that the process set out in the final CoP is closer to current practice amongst train operators and should therefore minimise systems changes.</p>	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
Ownership of complaints	<p>Licence holders that outsource their complaints handling functions remain responsible for ensuring compliance with the requirements of the CoP.</p> <p>Continues an existing expectation – but amended to relate to the new CoP.</p>	[+] Ensures quality of complaints handling is maintained.	<p>[+] Provides clarity for licence holders and continues the existing expectation that they are responsible for compliance with their CHPs even where complaints handling is outsourced.</p> <p>[+] Ensures licence holders have oversight of the complaints handling process, ensuring complaints are processed and resolved to good standards.</p> <p>[-] Potential administrative costs in ensuring outsourced suppliers are familiar with the new CoP, and there are processes for assuring compliance.</p>	
New Ownership of complaints –	Where the substance of the complaint does not fall within the ownership of the licence holder or other licence holders, licence holders are encouraged where possible	[+] Would help to make the process of raising transport complaints more accessible.	[+] Could deliver reputational benefits for licence holders and the wider transport industry.	

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complaints about multi-modal travel	to signpost the complainant to the appropriate organisation where they can raise their complaint.			
New Organisational culture	Sets out how those at the top of an organisation should take the lead in ensuring good complaints handling.	[+] Promotes and reinforces a positive complaints handling culture which should also be of benefit to passengers.	[+] Responds to industry feedback to incentivise positive internal complaints handling culture. [+] Provides guidance on good practice. [-] Potentially some resource costs in raising awareness of and embedding this within organisations.	
Senior management oversight	Management information on complaint volumes, trends and underlying causes must be regularly viewed by senior management (those who effectively direct the business of the licence holder, which may include	[+] Supports a culture of learning from complaints which can be of benefit to passengers.	[+] Licence holders can demonstrate that senior management is fully engaged with complaints handling performance and systemic issues can be identified and addressed.	

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	<p>members of the governing Board) so that systemic issues can be identified and addressed.</p> <p>Strengthens an existing expectation.</p>		[+] Strengthens an existing expectation.	
Information for passengers	<p>Licence holders must ensure information about how and to whom to complain is prominently displayed at stations or is available from station staff between the hours of the first and last train's arrival and departure, on websites, and on social media (for those licence holders who have a social media presence).</p> <p>Strengthens an existing expectation.</p>	[+] Promotes awareness of the complaints process.	<p>[+] Promotes awareness of licence holders' complaints processes.</p> <p>[+] Under our current guidance, licence holders should already make use of these channels to promote their complaints process.</p> <p>[+] Licence holders can meet the requirements on information displays at stations by displaying contact information for channels that can accept complaints. This should mitigate any financial impacts arising from this</p>	

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			<p>requirement. This is reflected in the final CoP.</p> <p>[+] Licence holders who cannot physically display information about complaints at stations can meet requirements by having information available from station staff between the hours of the first and last train's arrival and departure. This information can be provided verbally.</p>	
Information for passengers	At multi-operator stations publicity must, where practicable, make clear the different contact points for complaints about different services.	<p>[+] Promotes awareness of the complaints process.</p> <p>[+] Promotes clarity for complainants.</p>	<p>[+] Promotes awareness of licence holders' complaints processes.</p> <p>[+] Licence holders can meet the requirements on information displays at stations by displaying contact information for channels that can accept complaints. This should mitigate any financial impacts arising from this requirement.</p>	

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			[+ -] Where practicable allows for some flexibility, for example where there are physical space constraints at multi-operator stations.	
Information for passengers	Material relating to the promotion of complaints handling, and the complaints handling procedure itself, must avoid technical terms, or explain these where they must be used and be presented in plain language. Strengthens an existing expectation.	[+] Provides clarity for complainants and ensures the complaints process is accessible.	[+] Continues an existing expectation on licence holders from our current guidance.	
Information for passengers	Licence holders' complaints procedures must make clear how a complaint can be made and the different contact methods available, to whom it should be sent, and what the essential	[+] Clarity for complainants on what essential information should be provided. [+] Clarity for complainants on the	[+] Clarity for complainants on what essential information should be provided reduces follow ups, allowing licence holders more time to investigate and resolve complaints.	

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	<p>information is that a complainant needs to provide. Licence holders' CHPs must also set out their target timescales for responding to complaints.</p> <p>Strengthens an existing expectation – and extends it to include information on target timescales.</p>	complaints process and timescales.	<p>[+] Under our current guidance it should already be clear how and to whom a complaint should be addressed, and what information needs to be provided</p> <p>[+] Information on timescales helps to manage complainant expectations and ensures licence holders are accountable for complaints handling. Many licence holders already set out timescales within their complaints handling processes.</p>	
<p>New</p> <p>Information for passengers</p>	It is good practice for licence holders to make their working languages known via their complaints handling procedures, along with any provision that they can make to respond to complainants in languages other than English.	[+] Provides clarity for complainants.	<p>[+] Provides transparency for complainants.</p> <p>[+] An expectation to make their working languages known already exists on those operators who are subject to Regulation (EC) No 1371/2007 (as amended) on rail</p>	

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			passengers' rights and obligations (PRO Regulation).	
Receiving complaints - websites	<p>Information on how to make a complaint must be easily accessible on the licence holder's website via a direct link to a complaints page, to be displayed on the licence holder's homepage.</p> <p>Licence holders are encouraged to invite wider feedback and praise via their complaints page and other channels, as appropriate.</p> <p>Strengthens an existing expectation – and expands it to include clear information requirements.</p>	<p>[+] Makes the complaints process more accessible for complainants.</p> <p>[+] Promotes clarity for complainants.</p>	<p>[+] Provides transparency for complainants and promotes trust.</p> <p>[+] Promotes receiving feedback from customers.</p> <p>[+] Our current guidance already expects licence holders to have a complaints page within two clicks of their landing/homepage.</p> <p>[-] Potentially some administrative costs in ensuring one-click access from homepage for those licence holders who do not currently do this.</p>	

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Receiving complaints – social media platforms	<p>The CHP must set out the licence holder’s policy on handling complaints raised via social media.</p> <p>Strengthens an existing expectation.</p>	[+] Provides passengers with transparency on the licence holder’s approach to social media and the scope to make a complaint via that channel.	[+] Carries over existing expectations from our current complaints handling guidance.	
Receiving complaints – social media platforms	Where a complaint is made via social media and the licence holder cannot resolve it on the spot, the licence holder must, as a minimum, assist the complainant in making a complaint by signposting them to the appropriate channels.	[+] Supports an accessible complaints process.	<p>[+] It is not always practical to respond to complaints raised via social media platforms through social media. The Code allows flexibility in responding to complaints via social media. This balances the interests of both complainants and licence holders.</p> <p>[+] Carries over existing expectations from our current complaints handling guidance.</p>	

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Receiving complaints - call centres and customer relations teams	<p>Requirement to accept complaints by telephone and publish the contact telephone number and the hours within which complaints can be made by telephone. This information must be clearly displayed on the licence holder's complaints page and in the licence holder's CHP. Telephone numbers must include a landline or freephone or low cost access number.</p> <p>Strengthens and clarifies existing expectations.</p>	<p>[+] Provides clarity for complainants that wish to raise a complaint via telephone.</p> <p>[+] Ensures the complaints process is accessible, and potential complainants are not deterred from making a complaint via telephone due to high costs.</p>	<p>[+] All licence holders should already be ensuring that they publish the times they can receive telephone complaints.</p> <p>[+] The CoP provides flexibility regarding the hours of operation in order to account for licence holders' circumstances and operations.</p> <p>[+] Makes explicit the existing expectation that the telephone is an access route whereby complaints can be received.</p> <p>[- +] There may be some financial costs for licence holders to ensure that they have a landline, freephone or low cost access telephone number in which to receive complaints. However, an audit of licence holders' current telephone numbers suggests that this is already current practice.</p>	
New	Whilst licence holders are not required to provide paper complaints forms on request,	[+] Ensures the complaints handling	[+] Removes an expectation for paper complaints forms to be	

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Receiving complaints – in writing	they must be able to accept written complaints via non-digital means (i.e., via letter/post) and ensure that the contact details for doing so are published within their complaints handling procedure and on their website complaints page.	process is accessible to all.	provided on request, thereby reducing some resource burden.	
Equality and diversity	<p>Licence holders must make appropriate and proportionate provision for customers who need assistance in accessing and using the complaints process.</p> <p>A copy of the CHP must be made available in alternative formats, on request, within a reasonable time period. These may include, for example, large print, audio,</p>	<p>[+] The complaints process is open to all consumers.</p> <p>[+] Complainants are able to, on request, receive alternative formats of the licence holder’s complaints handling procedure to meet their needs.</p>	<p>[+] Ensures the complaints process is open to all consumers.</p> <p>[-] Possible financial and resourcing costs for licence holders to ensure its staff are appropriately trained.</p> <p>[-] Some financial and resourcing costs to provide copies of licence holders’ complaints handling procedures in alternative formats, on request, within a reasonable time.</p>	

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	<p>British Sign Language, Braille, and Easy Read.</p> <p>Strengthens existing expectations and introduces a new requirement on making the CHP available in alternative formats.</p>			
Equality and diversity	<p>Licence holders must ensure that carers, support workers and guardians are able to act or advocate on behalf of a passenger with the passenger's permission/authority.</p> <p>Complainants who may need help in lodging or progressing a complaint must also be able to nominate a representative to act on their behalf and</p>	<p>[+] Ensures that all consumers can have access to the complaints process.</p>	<p>[+] Ensures the complaints process is open to all consumers.</p> <p>[-] Some potential financial and resourcing costs for licence holders who do not already do this to ensure systems are in place to enable a nominated person to lodge or progress a complaint on behalf of a complainant with the complainant's permission – although the first requirement opposite strengthens an existing expectation within our current guidance.</p>	

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	<p>represent them throughout the process.</p> <p>Strengthens an existing expectation in relation to carers, support workers and guardians, and expands it to accommodate other complainants who may wish to nominate a representative.</p>			
Recording complaints	<p>The Code sets out the minimum information that must be recorded within licence holders' customer complaints database or Customer Relationship Management system (CRM) to support good record keeping.</p> <p>Strengthens an existing expectation on licence holders to have a process for recording all complaints and</p>	<p>[+] Consumers have confidence that there is a clear and consistent record of their complaint, and that they will not have to repeat information should they need to make contact again.</p>	<p>[+] Good record keeping enables effective complaints investigation.</p> <p>[+] Good record keeping supports learning through easy identification of trends and systemic issues.</p> <p>[-] It is likely that all licence holders already have adequate database/ CRM systems in place to facilitate the recording of complaints. There may be some additional IT costs for licence holders that need to upgrade existing systems to</p>	

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	expands it to set out minimum information requirements.		facilitate the capture of the minimum information set out in the CoP where it goes beyond the requirements set out in ORR's current core data reference guides. Any new system is also likely to involve additional staff resourcing in both time and training.	
Recording complaints	<p>Where complaints are handled by an outsourced provider on behalf of licence holders, the licence holder must ensure that they have appropriate access to the outsourced provider's systems for monitoring purposes.</p> <p>Strengthens an existing expectation.</p>		<p>[+] Appropriate levels of oversight ensure effective monitoring of complaints handling processes to ensure good complaints handling practices and complainant satisfaction levels are maintained.</p> <p>[-] Under our current guidance, licence holders should already ensure that they have appropriate access to third party supplier systems for the purposes of monitoring passenger satisfaction with the service provided. Where this is not currently in place there may be financial and staffing</p>	

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			resource costs to establish and maintain appropriate levels of access.	
New Responding to and investigating complaints	When acknowledging complaints, licence holders must include a link to their CHP or inform the complainant where a current copy can be obtained.	[+] Provides transparency of the licence holder's complaints handling procedure at the outset of the complaints process.	[+] Increased transparency between complainants and licence holders. [-] There may be some staff resourcing costs in setting up acknowledgement templates to include a link to the licence holder's complaints handling procedure. It is expected that this cost will diminish once templates are established.	
Responding to and investigating complaints	Advising complainants of the timescales for a response including when the anticipated resolution time might differ from published targets – either when acknowledging a complaint,	[+] Provides clarity for the complainant at the outset of the process. [+] Keeps complainant informed.	[+] Transparency helps to manage complainant expectations. This may reduce premature contacts from complainants before complaints are resolved. This allows complaints handling teams	

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	<p>or as soon as practical thereafter.</p> <p>Strengthens and expands on an existing expectation.</p>		<p>to engage in resolving and responding to complaints.</p> <p>[+] Under our current guidance complainants should already be advised of the target timescales for a response at the outset of the process.</p>	
Responding to and investigating complaints	Requires licence holders to make a full response to at least 95% of all complaints within 20 working days with the exception of Eurostar.	[+] Sets a clear minimum requirement on complaints handling response times.	<p>[+] Continues an existing requirement on licence holders from our current guidance but reinforces the nature of this requirement as a backstop, not a target to achieve, and that operators should strive to resolve all complaints within this timeframe wherever possible. Does not alter current reporting methodology.</p> <p>[-] Some licence holders may find this a more stretching target following the removal of 'stop the clock' from the calculation of complaints handling response</p>	

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			times. This is mitigated by the fact the CoP allows licence holders to close a complaint after a set timescale in the event that a complainant is unresponsive to requests for further information.	
New Responding to and investigating complaints	<p>When receiving a complaint, if it is not clear, it is good practice for licence holders to clarify at the outset what outcome the complainant wants and consider whether a complaint requires immediate prioritisation and/or escalation.</p> <p>If the licence holder requests further information from the complainant, and the complainant does not respond within 10 working days, the licence holder may close the complaint. They must inform the complainant</p>	[+] Helps to raise complainant satisfaction with licence holders' complaints handling processes.	<p>[+] Supports and incentivises early resolution and getting the response right first time.</p> <p>[+] Complaints that require swift escalation are prioritised.</p> <p>[+] Reduced likelihood of a complainant coming back with further concerns.</p> <p>[-] Some possible financial and resourcing costs in clarifying the outcome the complainant wants if it is not clear at the outset.</p> <p>[+] Amendment to final CoP means operators may inform passengers</p>	

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	that they may do so, along with how the complainant can get in touch with the licence holder if they wish for their complaint to be re-opened.		about the potential closure of their complaint as part of any request for further information, rather than after it, thereby allowing for better efficiencies.	
New Delays in handling complaints	Where a complaint cannot be answered fully within published timescales, licence holders must ensure that the complainant is made aware of the reason for the delay. Where a complaint cannot be answered fully within the licence holder's published timescales, licence holders must update the complainant on their progress in resolving the complaint every 10 working days.	[+] Keeps complainants informed and may prevent them from contacting other bodies such as Transport Focus/London TravelWatch and or the Rail Ombudsman prematurely.	[+] Being kept informed is a key driver of passenger satisfaction with complaints handling. [-] Possible financial and resourcing costs if system changes are required in order to issue complainants with regular progress updates. These must be balanced against potential benefits in reducing the volume of repeat contacts and chasers where complainants are waiting for their complaint to be reviewed.	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
Delays in handling complaints	<p>The licence holder must inform ORR and the relevant ADR scheme in circumstances where it is likely to experience a widespread failure to adhere to the required timescales for signposting to ADR.</p> <p>Amends an existing expectation and applies it to new signposting requirements.</p>		<p>[+] Under our current guidance licence holders must already inform ORR and the relevant ADR scheme when emergency timescales are in place. This provision therefore amends an existing expectation and applies it to the required timescale for signposting to ADR.</p>	<p>[+] Allows ORR to effectively carry out its role.</p> <p>[+] Provides transparency for the relevant ADR scheme.</p>
New Resolving complaints	<p>The CoP sets out minimum requirements for licence holders when responding to complaints.</p>	<p>[+] Supports a good customer experience and satisfaction with licence holders' complaints handling processes.</p>	<p>[+] Provides licence holders with clear requirements on content and standards of complaint responses.</p> <p>[+] Supports good complaints handling across the rail industry.</p> <p>[-] Potentially some costs for revising templates or staff training where good practice is not already followed – although licence holders remain free to make their own</p>	

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			judgement on the appropriate format for a response.	
Dealing with frivolous or vexatious complaints	<p>Licence holders must have procedures in place for dealing with communications believed to be frivolous or vexatious and record any such complaints that have been terminated for these reasons. Where a complaint has been terminated for these reasons licence holders must follow the requirements on issuing an ADR letter as the complaint has effectively been “deadlocked”.</p> <p>Strengthens and clarifies existing expectations.</p>	[+] Provides clarity for complainants on recourse where complaints have been terminated on the basis of being frivolous or vexatious.	<p>[+] Provides clarity and improves confidence of complaints handling staff dealing with communications believed to be frivolous or vexatious.</p> <p>[+] Under our current guidance licence holders should already have internal procedures in place in relation to dealing with frivolous and vexatious complaints.</p> <p>[-] There may be some resource costs (training, procedure materials) for the establishment of an internal procedure where this is not currently in place. Any costs are likely to diminish once the procedure is established.</p>	

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Compensation and redress	<p>Information requirements on compensation and redress.</p> <p>Updates, strengthens and expands on existing guidance.</p>	[+] Complainants are informed about the remedy options available for complaints. This promotes transparency for complainants.	[+] Licence holders provide clarity on the remedies available to address dissatisfaction as appropriate for each complaint.	
Compensation and redress	<p>Licence holders with a licence condition that requires them to have an Accessible Travel Policy (ATP) have obligations under ORR's ATP guidance to provide details on the availability of redress when assistance has not been delivered as booked. Licence holders are encouraged to include in their CHP where passengers can find out further information about these arrangements</p>	[+] Supports awareness of arrangements for redress when assistance fails.	[+] Continues and aligns with existing requirements in ORR's ATP guidance.	

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Escalation	<p>Licence holders must set out in their CHP arrangements for escalating complaints when a passenger has asked for their complaint to be escalated or when the licence holder determines that it is appropriate.</p> <p>Strengthens and simplifies an existing expectation.</p>	[+] Clarity for consumers.	[+] Licence holders are already expected under our current guidance to set out in their complaints procedures criteria for escalating complaints.	
New Promoting awareness of ADR	<p>Licence holders must provide information about the relevant ADR scheme within their complaints handling procedure, on their website and when acknowledging all complaints.</p> <p>Updates and expands on requirements within our current guidance.</p>	<p>[+] Raises awareness of the right to access ADR for those complainants who may wish to appeal the outcome of their complaint.</p> <p>[+] This is likely to increase awareness of ADR, making it more</p>	<p>[+] Website and acknowledgement requirements reflect existing industry good practice guidelines. Clear requirements on all licence holders will ensure consistency and clarity for complainants and a level playing field for licence holders.</p> <p>[+] Increases consumer confidence in the internal complaints process.</p>	

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		accessible for everyone.	[-] Some potential resourcing and cost impacts to introduce this, including if licence holders do not currently acknowledge complaints received via white mail. Possible mitigations for any cost impacts would be incorporating acknowledgement information within the first substantive response if it is due to be sent out soon after a complaint is received.	
Signposting to ADR	<p>Sets clear requirements on when to signpost complainants to ADR and adds new provisions on what information must be provided to complainants.</p> <p>Updates, strengthens and expands on requirements within our current guidance.</p>	<p>[+] Ensures complainants are aware of their right to appeal the outcome of their complaints in cases where they are dissatisfied with the licence holder's response.</p> <p>[+] Provides transparency for complainants. This</p>	<p>[+] Provides clarity and consistency for licence holders on the timeframe and conditions in which an ADR letter is to be issued.</p> <p>[+] Provides clarity and consistency on the minimum information that must be provided within ADR letters.</p>	

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		may reduce premature contacts and associated rejected cases with the relevant ADR scheme. This may prevent complainants from being further frustrated and dissatisfied.		
New Learning from complaints	<p>The relevant ADR scheme may make recommendations to licence holders in the interests of driving continuous improvement and learning from complaints.</p> <p>Licence holders must give consideration to these and be able to demonstrate, where appropriate, what action has been taken as a result.</p>	[+] Driving continuous improvements for all passengers.	<p>[+] Encourages a culture of ownership and accountability over the feedback from the Rail Ombudsman.</p> <p>[+] Recognises the non-binding nature of Rail Ombudsman recommendations.</p>	

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New Reporting	<p>Unless 1.75 applies licence holders must collect and publish on their website, complaints handling performance data on key response time metrics, quarterly. Where licence holders' average complaint volumes are lower than a threshold to be specified in the annual reference guides for ORR Core Data compliance reporting, this data must be published annually.</p> <p>All licence holders must self-report on continuous improvement activities annually.</p> <p>ORR will also collect and publish data on the quality of licence holders' complaints handling procedures.</p>	<p>[+] Increased transparency for consumers on the complaints handling performance of licence holders.</p>	<p>[+] Publication of data on response times and quality in the complaints handling process aligns with the key drivers of passenger satisfaction with complaints handling.</p> <p>[+] Enables complaints handling performance to be benchmarked across industry to incentivise improvements in complaints handling.</p> <p>[+] Systematic collection and reporting of data allows licence holders to closely monitor and reflect on their own complaints handling performance.</p> <p>[+] The proposed metrics on response time replicate data that many licence holders already collect and report on to ORR (e.g., 20 and 10 working day response time).</p> <p>[+] The introduction of an average response time metric will provide a more complete picture of licence</p>	<p>[+] ORR will be able to effectively monitor complaints handling performance and understand whether licence holders' complaints handling procedures are working well for passengers.</p> <p>[+] ORR will continue to publish data quarterly and via annual statistical releases, supporting transparency of industry wide data and incentivising good performance.</p>

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			<p>holders' performance. It should also be easily generated from existing data.</p> <p>[-] Potential resourcing and financial costs for the implementation of new reporting requirements. Mitigated by the fact that licence holders will be able to publish response time data in the same format as that already submitted to ORR, thereby minimising resource burden.</p> <p>[+] The requirement to publish response time data annually for licence holders whose complaints volumes are beneath a specific threshold is a proportionate approach for licence holders such as some station only and charter operators who have very low complaints volumes.</p>	
New Reporting – stop the clock	Removal of the use of 'stop the clock' when calculating complaints handling response times.	[+] Should incentivise collection of key information needed by licence holders to	[+] Ensures a common baseline for performance across all licence holders.	[+ -] ORR data publications will provide appropriate contextual information

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		progress a complaint at the outset of the process.	<p>[-] Removal of the ability for licence holders to 'stop the clock' when calculating all complaints handling response times may in some cases impact response time performance.</p> <p>[+] Licence holders' data publications may provide appropriate contextual information on performance. Licence holders will also be permitted to close a complaint after a set time period if the complainant is unresponsive.</p> <p>[-] Potential administrative costs for system changes.</p>	on licence holders' performance.
Training, resourcing, and quality assurance	<p>Complaints training programmes and plans for all staff dealing with complaints, including where complaints handling functions are outsourced.</p> <p>Licence holders must provide refresher training at regular</p>	[+] Provides assurance on the handling of complaints and quality of complaint responses.	<p>[+] Staff handling complaints are confident and proficient in responding to and resolving complaints.</p> <p>[-] Potential financial and resource costs for licence holders, including those who outsource complaints, to ensure training provision is in</p>	

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		Consumers	Licence holders and Industry	Other
	<p>intervals and in response to evidence that complaints are not being dealt with effectively.</p> <p>Strengthens aspects of our existing guidance and sets baseline requirements on what training should cover.</p>		<p>place and undertaken, with refresher training provided at regular intervals. This is mitigated by the fact that our current guidance already expects licence holders to provide complaints handling staff with complaints handling training that covers many of the baseline requirements set out in the Code and seek assurance that outsourced staff have received complaints handling training.</p>	
<p>New</p> <p>Complaints handling resources and quality assurance</p>	<p>Strengthened requirement to have quality controls in place, and new requirement to allocate and maintain adequate resources to handle and process complaints to comply with the requirements of the CoP.</p>	<p>[+] Complaints handled and processed in a timely manner.</p> <p>[+] Quality of complaints handling is maintained.</p>	<p>[+] Increased levels of consumer satisfaction.</p> <p>[-] Some potential financial and resource costs to ensure adequate levels of staff are available to process complaints – although this provision continues an already existing expectation within our current guidance, which states that a well-managed complaints</p>	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
			<p>handling model includes a service that is sufficiently resourced.</p> <p>Mitigated against a recognition that licence holders cannot be permanently resourced to deal with exceptional spikes in demand – and therefore requires licence holders to give reasonable consideration to what contingency measures may be required in these circumstances.</p>	

Equality Impact Assessment - as published alongside October 2022 decision document

This Equality Impact Assessment summarises how the Office of Rail and Road (ORR) has sought to meet its responsibilities under the Public Sector Equality Duty (PSED) within our amended Complaints Handling licence condition and Complaints Code of Practice (CoP).

As set out in section 149 of the Equality Act 2010, the three arms of the PSED require ORR as a public authority, in the exercise of its functions, to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by or under the Equality Act 2010,
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it,
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Section 149 defines the following as relevant protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

With regards to this work on complaints handling procedures, ORR has considered where people with relevant protected characteristics may face barriers in accessing information about the complaints handling process or using the complaints process itself. Our assessment below sets out where we have given consideration to these and sought to address them within our proposals.

We note that the Equality Act 2010 specifies the requirement for businesses and service providers to make reasonable adjustments for people with a disability. Nothing in our Complaints CoP is intended to affect or replace licence holders' legal obligations or passengers' legal entitlements, including those established in consumer law, contracts or other licence conditions. The CoP is clear that all licence holders should ensure they are aware of their obligations under the Equality Act 2010 and any other relevant legislation.

Policy area	Potential issue	Relevant considerations and proposal
<p>Access to the complaints handling process</p> <p>Overall licence condition and structure of proposals.</p>	<p>Passengers with certain protected characteristics may face particular barriers in accessing information about the complaints handling process, or in accessing the</p>	<p>As service providers licence holders are already subject to the requirements of general equality legislation (as described in the Equality Act 2010 and subsequent case law), which define a high-level obligation to make reasonable adjustments.</p> <p>Licence holders are also subject to specific sectoral regulation through ORR's Accessible Travel Policy licence condition and guidance. This sets out detailed requirements for how licence holders must provide services and assistance for</p>

Policy area	Potential issue	Relevant considerations and proposal
	<p>complaints handling process itself.</p>	<p>passengers with disabilities, including the provision of information about how to provide feedback or make a complaint. We have not sought to duplicate these existing requirements within our proposals.</p> <p>The CoP sets out wide-ranging requirements on complaints handling for all licence holders who have a complaints handling obligation within their Licence.</p> <p>The principles of good complaints handling within the CoP state that a good complaints handling procedure is accessible, meaning the complaints process should be well-publicised, easy to understand and easy to access for those who need to use it.</p> <p>The CoP sets out specific further requirements. For example, licence holders must make appropriate and proportionate provision for customers who need assistance in accessing and using the complaints process.</p> <p>Licence holders must also make available a copy of their complaints handling procedure in alternative formats, on request, within a reasonable time period. We have specified that the range of alternative formats may include, for example, large print, audio, British Sign Language, Braille, and Easy Read.</p> <p>These requirements will help to ensure that passengers with protected characteristics can participate in the complaints process to which they are entitled.</p> <p>In response to feedback ORR also intends to undertake research that focuses specifically on disabled peoples' experience of the complaints handling process. We will consider how to take into account any findings from this work in future iterations of the CoP.</p> <p>Relevant text:</p>

Policy area	Potential issue	Relevant considerations and proposal
		Complaints Code of Practice, Principles of good complaints handling, and Provision 2
Access to the complaints handling process	Passengers with certain protected characteristics may face particular barriers in accessing the complaints handling process.	<p>The CoP requires licence holders to provide a range of means for passengers to access the complaints process including via non digital means such as by telephone and in writing. Feedback from passenger bodies has emphasised that choice of how to submit a complaint is key, including for disabled passengers and those who may not be able to use digital means.</p> <p>Provision 2 of the CoP on Receiving complaints also establishes a requirement on licence holders to ensure that carers, support workers and guardians are able to act/advocate on behalf of a passenger, with the passenger's permission/authority.</p> <p>Complainants who may need help in lodging or progressing a complaint must also be able to nominate a representative to act or advocate on their behalf and represent them throughout the process.</p> <p>This will ensure that passengers with protected characteristics are not excluded from accessing the complaints handling process.</p> <p>Relevant text:</p> <p>Complaints Code of Practice, Provision 2</p>
Information for passengers - working languages	Passengers with certain protected characteristics may face particular barriers in accessing information about the complaints handling process.	<p>Licence holders that provide rail services in Wales should be aware of their legal obligations concerning the provision of information on complaints in both English and Welsh languages.</p> <p>Provision 1 on Information for passengers sets out that we consider it good practice for licence holders to make their working languages known to passengers via their complaints handling procedure, along with any provision</p>

Policy area	Potential issue	Relevant considerations and proposal
		<p>that they are able to make to respond to complainants in languages other than English.</p> <p>Relevant text:</p> <p>Complaints Code of Practice, Provision 1</p>
<p>Information for passengers – promoting awareness of the complaints process</p>	<p>Passengers with certain protected characteristics may face particular barriers in accessing information about the complaints handling process.</p>	<p>Provision 1 of the Code sets out how licence holders must promote passengers' awareness of the complaints process and how to complain. Material relating to the promotion of complaints handling and the complaints handling procedure itself must avoid technical terms – or explain these where they must be used – and be presented in plain language.</p> <p>Relevant text:</p> <p>Complaints Code of Practice, Provision 1</p>
<p>Acting on and learning from complaints</p>	<p>Ensuring learning from complaints is used to improve service</p>	<p>Remedies for complaints must include, as appropriate, a practical action to be taken to correct the problem.</p> <p>All operators will also be required to report annually on how they have actively used and applied learning from complaints and the complaints process within their business and describe the impact of those improvement activities. This will include assessing the passenger experience of accessing and using the complaints process and describing any improvements made.</p> <p>These provisions should embed a culture of learning and acting upon intelligence received through both complaints and the complaints process, which should be of benefit to all passengers, including those with protected characteristics.</p> <p>Relevant text:</p> <p>Complaints Code of Practice, Provision 5 and 7</p>

