

Annual Rail Consumer Report

April 2021 to March 2022

07 July 2022



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Executive summary

Over the past year, both rail passengers and train and station operators have continued to feel the impact of the Coronavirus (COVID-19) pandemic. Nevertheless, passenger numbers were more than double the previous year and we have worked hard to ensure that passengers can feel confident about the experience they can expect when travelling by rail.

We have made good progress in reviewing our expectations on operators, implementing changes that will reduce barriers to travel for disabled people, improve access to Delay Repay compensation, and enable passengers to plan their journeys with more confidence. Further change is underway for early 2023, driving improvements in operators' complaints handling processes and bringing sponsorship of the Rail Ombudsman into the Office Rail and Road (ORR).

The pandemic has had some ongoing impacts on industry performance. However, we have maintained our expectations and held operators to account for fair and transparent interactions with passengers, the quality of their passenger information and services for disabled passengers, and the management of complaints and Delay Repay claims.

As passenger numbers continue to recover, and as the Government progresses its rail reform agenda, securing improvements in the services that train and station operators offer their customers will continue to be a central part of our role as an independent regulator.

Key interventions to protect passengers

Ticket retailing and passenger rights

We expect train and station operators, and third-party ticket retailers, to be fair and transparent in their interactions with passengers, enabling them to make well-informed decisions and be protected by their statutory rights as customers. Our focus this year has been on monitoring the information provided by train operators and ticket retailers about entitlements to, and processes for, ticket offers, ticket refunds, and Delay Repay and we engaged with operators where we identified issues. We reviewed the administration fees for ticket refunds, which should be cost reflective, and encouraged the Department for Transport (DfT) and the Rail Delivery Group to consider whether the £10 cap should be lowered.

Passenger information

Passengers need accurate and timely information about their travel options, so that they can plan and make journeys with confidence, including during disruption. In 2019 we challenged the industry to deliver improvements to their provision of passenger information. In response, the industry established the Smarter Information, Smarter Journeys programme and we have continued to engage closely. A key output this year were new customer information pledges, and we supported operators in adopting these pledges as regulatory commitments. We will now hold operators to account for delivery, building on our ongoing monitoring of information provided ahead of timetable changes and engineering works. As the year progressed, operators worked increasingly collaboratively to identify and apply lessons learned from unplanned disruption events, which we welcome.

Accessible travel

We want to empower confident use of the railway by all, and we hold operators to account against their Accessible Travel Policies (ATP). All mainline operators now have up-to-date ATPs in place. Those policies should drive progressive improvements in the experiences of disabled passengers.

We monitored operators' preparations for implementation of the requirement that passengers must be able to book assistance at two-hours' notice. This is the final part of a package of reforms that we introduced in 2019 and should reduce barriers to travel for disabled people. All operators were able to take bookings from April 2022, when the requirement came into effect, and this now becomes our new baseline for monitoring.

We conducted deep dives into information provision, looking at both website accessibility and content. There have been some welcome improvements in website accessibility since our last review in 2020, and operators have started to take action where we identified gaps in information about station accessibility. All operators have now delivered disability awareness and equality training to passenger-facing staff and are starting to plan refresher training – with one exception where we are stepping up our engagement. We have continued to engage with operators and Network Rail on rolling stock and station infrastructure accessibility where specific issues have arisen.

Our ongoing survey of passenger experiences of assistance showed an overall relatively stable picture on the reliability of assistance and passenger satisfaction and identified some lower performing operators who we will now target for enhanced engagement.

Complaints and redress

Where things go wrong, we want passengers to feel confident that their complaints will be addressed and that they will be compensated where their journeys are delayed.

We want to see more passengers claiming the Delay Repay compensation to which they are entitled. We completed implementation of a new Code of Practice during the year, designed to see operators increase awareness of delay compensation rights, make the process of claiming easier, and make ongoing continuous improvements. The new Code came into effect in April 2022.

We want to drive improvements in passenger satisfaction with complaints handling and insights from complaints used to inform continuous improvement in the passenger experience. We are planning to introduce a new Code of Practice on complaints handling for operators from April 2023 and in June published a second draft for consultation.

In parallel, and consistent with the commitments in the Williams-Shapps Plan for Rail, we plan to take over sponsorship of the Rail Ombudsman in early 2023 and, also in June, published a proposed operating model for consultation.

Notwithstanding challenges raised by the pandemic, most operators were able to provide timely responses to complaints and Delay Repay claims throughout the year. There were exceptions, where we worked with individual operators to bring them back into compliance.

Forward work programme for 2022 to 2023

In the coming year we will maintain our focus on monitoring industry performance and engaging with operators to secure a better experience for rail passengers. Alongside this, we plan to implement the new Complaints Code of Practice and bring the Rail Ombudsman under ORR sponsorship.

This is a period of change for the rail industry. In June 2022, the Government published a consultation on changes to primary legislation required to bring about rail reform, building on the William-Shapps Plan for Rail. Strong independent regulation sits at the heart of the Government's proposals, with ORR taking an integrated view across track and train and continuing to protect the interests of both users and taxpayers. We will continue to enforce consumer law and passenger-facing obligations in licences. We expect operators to continue to meet their obligations throughout the transition period, and we will work with them to ensure expectations are clear. We look forward to working with DfT, the Great British Railways Transition Team (GBRTT) and Transport Focus to inform the evolution of the consumer landscape.

1. Introduction

1. The Office of Rail and Road (ORR) exists to protect the interests of rail and road users, improving the safety, value and performance of railways and roads, today and in the future.
2. In our passenger-facing work, we want to ensure passengers feel confident about the experience they can expect when travelling by rail. We do that by: protecting the interests of passengers as the customers of train and station operators; defining minimum standards for the passenger experience at key stages of their journey – from planning a journey and booking a ticket, through to travelling (including where there is disruption) and redress where things go wrong; and holding train and station operators to account against those standards.
3. Our work is focussed on four areas, and is underpinned by requirements set out in consumer law and conditions in the licences that we issue to passenger train and station operators.
 - **Ticket retailing and passenger rights:** we want train and station operators to be fair and transparent in their interactions with passengers, enabling passengers to make well-informed decisions and access their statutory rights as customers (see section 2.1);
 - **Passenger information:** we want passengers to have accurate and timely information about their travel options, so that they can plan and make journeys with confidence, including during disruption (see section 2.2);
 - **Accessible travel:** we want to empower confident travel by all, including disabled passengers, whether their journeys are made independently or with assistance (see section 2.3); and
 - **Complaints and redress:** we want passengers to receive appropriate redress where things go wrong, and for operators to learn from those experiences to drive continuous improvement in the passenger experience (see section 2.4).
4. In addition, between 2020 and 2022 we ensured that cross-border train operators complied with the Government's COVID-19 travel regulations (see section 2.5).
5. In this report, we highlight how we are driving improvements in the passenger experience for each area through: our policy work, where we review the regulatory

expectations on operators and look for opportunities to drive better outcomes for passengers; and our compliance work, which holds industry to account for their performance against the regulatory framework. We also highlight our priorities over the coming year.

6. We work closely with the Department for Transport (DfT), Transport Scotland and the Welsh Government, as well as passenger and consumer bodies, such as Transport Focus and London TravelWatch, and draw on the advice of our independent Consumer Expert Panel.

Role and work of ORR's Consumer Expert Panel

Our [Consumer Expert Panel](#) provides independent advice and challenge, and plays a key role in bringing a consumer perspective to our policy and regulatory decisions. This year, the Panel has advised on our work in a wide variety of areas including: our duties in relation to sustainability and the environment; our signalling market study; monitoring of accessibility requirements; and consumer aspects of our oversight of Network Rail.

7. We are not responsible for setting fares, awarding or monitoring management agreements with operators, or for setting the level of public subsidy in the railways – these are the responsibility of DfT and Transport Scotland.

Holding train and station operators to account

8. We protect the interests of rail users by ensuring train and station operators comply with their licences and with consumer law obligations. This results in higher standards of service to passengers which in turn fosters confidence in rail travel.
9. Our compliance activities fall into three broad areas: promoting, monitoring, and securing compliance where issues arise. We strongly encourage transparency and self-reporting of issues by operators, which we facilitate by being open and available to discuss potential or early-stage issues with a view to minimising negative impacts on passengers.
10. **Promoting compliance:** we raise awareness and understanding of expectations through publishing guidance, codes of practice and other documents such as this annual report; we recognise good behaviours and outcomes in our engagements with operators; and we aim to share good practice and recognise success more widely, including by requiring operators to publish information on their own performance.

11. **Monitoring compliance:** we use a wide range of data and information sources to help us understand both whether operators are behaving as intended and whether they are delivering on outcomes expected by passengers. These include:
- We collect a core set of quantitative data from operators monthly on areas including delay compensation claims, complaints, and assistance, which is analysed for trends over time. This data forms the basis of our passenger experience official statistics, which are [published quarterly](#) to provide transparency;
 - We commission ongoing research exploring the passenger perspective of assistance and of complaints handling, which helps us understand whether industry processes and behaviours are delivering the desired outcomes for passengers;
 - We commission ad hoc audits and research to explore specific areas of compliance and passenger experience; and
 - We monitor operator websites, social media and complaints and correspondence we receive to help us spot emerging issues.
12. **Securing compliance:** our core expectation is that if something has gone wrong and caused detriment to passengers, it is fixed quickly by the operator, any on-going or future harm is mitigated, and any impacted customers are suitably redressed. To help secure this outcome, we have a range of tools available. For example, we may: monitor the operator more closely and require more frequent reporting; request the development of improvement plans; or escalate issues in line with our [economic enforcement policy](#).

2. Our passenger-facing work

2.1 Ticket retailing and passenger rights

Introduction

13. We expect train and station operators, and third-party ticket retailers, to be fair and transparent in their interactions with passengers, enabling them to make well-informed decisions and be protected by their statutory rights as customers. Our work is underpinned by our consumer law investigation and enforcement powers, which we hold concurrently with the Competition and Markets Authority, and by obligations set out in train and station operating licences.
14. As set out in last year's report, our policy priorities this year included a review of the administration fees for ticket refunds and new arrangements for publication of an annual Service Quality Report by operators. With regards to monitoring operator performance, we had a particular focus on refund processes and the introduction of the new flexible season tickets.

Policy development

Review of the administration fees for ticket refunds

15. The administration fees for ticket refunds should be cost reflective. DfT asked us to carry out a review of these fees following the significant increase in refund applications during 2020 as a result of the pandemic. We published [our report](#) in February 2022. We would like to thank the train operators and third-party ticket retailers who engaged constructively with this project. We concluded that, where a £10 fee is charged for a ticket refund, it appears not to be based on an assessment of costs. Actual costs are generally lower, and often less than £5 on average. We encouraged ticket retailers to assess whether their administration fees for ticket refunds are cost reflective; and DfT and the Rail Delivery Group (RDG) to consider whether the maximum caps for administration fees, particularly the £10 cap in respect of ticket refunds, should be lowered.

Train and station operator performance

Passenger rights

16. Throughout the year we monitored information provided by train operators and ticket retailers about entitlements to, and processes for, new ticket offers, ticket refunds and Delay Repay. As an illustration, we describe on the following page our

engagement with FirstGroup, who self-reported an issue with handling Delay Repay claims.

FirstGroup issue with delay compensation claims

In March 2022, FirstGroup (parent company to operators Avanti West Coast, Great Western Railway, Hull Trains, Lumo, South Western Railway and TransPennine Express) self-reported the findings of an internal audit, which found that FirstGroup operators had not been passing delay compensation claims to other train operators over a two-and-a-half-year period, despite telling customers those claims had been passed on.

FirstGroup was transparent and forthcoming about the failing and engaged constructively with us so we could fully understand the scale of the issue and its impact. The underlying cause was the incomplete implementation of a new IT system in March 2019, exacerbated by a failure to spot the issue. This resulted in over 53,000 claims not being passed to the correct train operator for processing. These claims would have been payable by other train operators and FirstGroup did not make any financial gain from their error.

We sought assurances that the issue was resolved and invited FirstGroup to propose a package of reparations designed to mitigate the financial detriment and inconvenience suffered by the affected passengers. FirstGroup proposed a robust and pragmatic reparations package that aimed to provide goodwill payments to all affected customers, which we accepted. The overall value of the package closely matches the financial detriment suffered by passengers. We will monitor implementation of the package, which is scheduled for completion in late summer 2022, to ensure all commitments made by FirstGroup are fulfilled.

17. To provide transparency on their performance, under the Rail Passengers' Rights and Obligations Regulations train operators are now required to publish an annual report describing their performance in key areas including passenger information, punctuality, complaints handling and passenger assistance. Operators were required to publish the first edition of these reports on their websites by 31 May 2021. We provided feedback to 29 operators on areas where their reports could be improved for future editions. Operators were required to publish their second annual reports by 31 May 2022.

Main priorities for year April 2022 to March 2023

18. In the coming year, we will:

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- continue to monitor operators' compliance with consumer law requirements, with a focus on ticket retailing and refunds;
- monitor the industry's follow-up work and implementation of any changes as result of our review of refund administration fees; and
- review operators' annual service quality reports, to ensure these reflect the requirements in the Rail Passengers' Rights and Obligations Regulations.



2.2 Passenger information

Introduction

19. We expect train and station operators to ensure that passengers have accurate and timely information about their travel options, so that they can plan and make journeys with confidence, including during disruption. These expectations are formalised in a passenger information licence condition for train operators and a complementary licence condition for station operators (including Network Rail) and are more generally supported by wider consumer law requirements.
20. As set out in last year's report, our work this year focussed on active participation with the industry's [Smarter Information Smarter Journeys programme](#) (SISJ); monitoring industry performance in delivering passenger information, with a focus on planned and unplanned disruption including major engineering works; and a review of our approach to monitoring to establish a more standard methodology.

Policy development

21. In November 2019 we [challenged the industry](#) to work together to develop and implement a strategy that would deliver tangible and enduring network-wide improvements to the provision of passenger information. In response, the industry established SISJ. RDG provides governance for 13 work packages with representation from across the industry and including ORR and Transport Focus. This year, the programme has started to deliver benefits for passengers and further improvements are underway.

Customer information pledges

22. We welcomed the development of new customer information pledges under SISJ governance. We worked with the industry to ensure that lessons learned from previous activities were fully incorporated. The pledges set out good practice for what information passengers can expect before, during and after their journey, and place the focus firmly on the passenger perspective. In April 2022, we issued updated [regulatory guidance](#) to support train operators in adopting these pledges to satisfy licence requirements. All mainline operators have confirmed to us that they have adopted the pledges and we will, in turn, hold them to account for delivery. As a first step, operators submitted to us their own self-assessment, which we will use as the starting point for ongoing monitoring.

Timetable information

23. We want passengers to be able to plan ahead, making informed decisions about when to travel and with more opportunities to access advance fares. Previously timetables were confirmed 12 weeks in advance of travel but, exacerbated by the impacts of the pandemic, timetables are currently typically being confirmed between six and eight weeks before travel. This means that passengers are less able to plan ahead with confidence and can cause confusion where journey planners such as National Rail Enquiries show timetable information 12 weeks ahead that subsequently changes.
24. In February 2022, we [wrote to the industry](#) setting out how we would hold it to account for reform to timetabling processes. Alongside, we expect operators to take responsibility for ensuring that passengers can get the information they need to plan and make their journey as information comes available. The [expectations](#) we set out to operators and third-party retailers on passenger information in October 2020 remain as relevant now as then. For example, it should be clear to passengers if the timetable shown in the journey planner is not yet confirmed and when that is expected to happen. We welcome the further work this year under the SISJ programme that will enable operators to contact individual passengers who have purchased tickets for services that subsequently change.

Working together to monitor performance

25. It is important that operators are able to monitor and understand their performance in providing accurate and timely information to passengers, so that they can take action promptly where issues arise. In addition, to enable us to hold operators to account, we too need sources of robust data on industry performance. One innovation introduced initially in response to COVID-19 challenges, and now refined under the SISJ programme, was the introduction of weekly reporting on the accuracy and completeness of operators' passenger information by the National Rail Communication Centre (NRCC). We have worked collaboratively with Transport Focus, DfT and RDG to ensure that the weekly reports meet our and others' needs.

Train and station operator performance

Planned disruption

26. Throughout the year, we proactively monitored the passenger information provided by operators where there was planned engineering work (including blockades, where routes are closed for an extended period) and timetable changes.

27. We used a standard set of questions to assess the information provided on operator websites:
- Is it clear on arrival on the website that something different is happening?
 - If you knew something was happening, could you find correct information?
 - Is there accessibility information about replacement transport?
 - Would you be alerted that something different was happening when buying a ticket?
 - Is information consistent between operator and national rail enquiries websites?
28. We did not identify any substantial systemic issues with operator performance, although we regularly identified gaps and inconsistencies in the information provided to passengers, which could undermine confidence. We engaged directly with operators to seek rapid resolution where we identified issues. Passengers should be able to expect operator performance to be consistently good.
29. We did identify risks around the short notice process for amending timetables (for example, where engineering works over-run), where operators are reliant on the Network Rail System Operator making timely updates to the published timetable. This is an issue that we hope to see industry addressing as part of the timetabling process reforms.

Unplanned disruption

30. We also responded proactively to unexpected events as they occurred, including reviewing the impact on passengers of disruption caused by the Hitachi Class 800 trains issue in May 2021, when services were disrupted following the discovery of cracking in vehicle bodies, and the storms of October 2021 and February 2022.
31. Where there is disruption, passengers need consistency and clarity of messaging across the network. We published our [review](#) of the passenger impacts of the Hitachi trains issue in June 2021 and found that, with minor exceptions, operators did provide consistent and clear information to passengers. Nevertheless, we identified a number of areas for improvement and secured agreement that they would be addressed, mainly through the SISJ programme.
32. Operators, facilitated by RDG, collaboratively reviewed the impact of the October 2021 storms. Key issues identified included the communication and interpretation of

'do not travel' messages and ticket easements, which were similar to issues identified through our review of the Hitachi trains issue. Under the SISJ programme, an action plan targeting issues arising from both events was developed.

33. We saw evidence of further strengthening of the collaborative working between operators in the response to the February 2022 storms. This meant that, across the network, passengers were for the most part receiving consistent messages about services and ticket acceptance across the network. We welcome the work that RDG and operators have undertaken together to review lessons learned from their responses to this event, proactively identifying opportunities for improving both the content and consistency of information provided to passengers in the event of further disruption.

Main priorities for year April 2022 to March 2023

34. In the coming year, we will:

- start to hold operators to account against the new customer information pledges; continue to scrutinise provision of timetabling information ahead of travel, and information provided ahead of major engineering works;
- continue to monitor the NRCC weekly reports, and consider whether we need any other routine additional reporting from industry on passenger information; and
- continue to actively participate in the SISJ programme to ensure that changes are delivered and are communicated to the industry and passengers.



2.3 Accessible travel

Introduction

35. We want to empower confident travel for all rail users, including disabled passengers, whether those journeys are made independently or with assistance. Improved accessibility can also make rail travel easier for others who might otherwise face challenges, including elderly people, families and those with heavy luggage.
36. All train and station operators must establish and comply with an Accessible Travel Policy (ATP) as a condition of their licence, setting out their provision for disabled people. In 2019 we issued new [guidance](#) defining the minimum provision for disabled passengers, covering areas such as provision of assistance, staff training and passenger information. The guidance was updated in 2020 to add new rules on the provision of accessible rail replacement services. Operators must also have due regard to the Code of Practice on [Design Standards for Accessible Railway Stations](#), which is issued jointly by DfT and Transport Scotland and sets the accessibility standards for station infrastructure upgrades.
37. As set out in last year's report, our work during the year focussed on operators' compliance with their accessibility obligations, supported by audits of information provided at stations and on websites as well as an ongoing survey of passenger experiences of assistance. Following the end of the year, we have carried work forward in two areas: establishing proportionate accessibility requirements for bespoke operators, such as tram operators and heritage railways; and reviewing our approach to securing compliance with the Code of Practice on Design Standards for Accessible Railway Stations, pending DfT's review of the Code.

Policy development

38. When we introduced our accessibility guidance in 2019, we set out a phased implementation plan for the introduction of improvements in the experience for disabled passengers. This year, the key requirement that took effect was a further reduction in the window for booking assistance, taking it from 24 hours before travel in 2019 to two hours from April 2022. We have not further reviewed or updated our guidance this year, maintaining a focus on operator performance against the updated guidance.

Train and station operator performance

Operators' Accessible Travel Policies

39. ATPs set the baseline against which we hold operators to account. We have completed the review and approval of all mainline train and station operators' initial

ATPs: we approved 21 ATPs in reporting year 2020 to 2021 and a further eight in 2021 to 2022. For some operators, the review process took longer than initially expected. This was the case where we sought the strengthening of plans for the delivery of staff training and where we undertook detailed scrutiny of proposed bespoke arrangements for the handling of communications between origin and destination stations when assistance is being delivered (illustrated in the box below).

40. We expect ATPs to be kept under review and commissioned a first review in December 2021, with operators asked to submit revised ATPs for approval. We were pleased to note that amendments reflected improvements to the provision for disabled passengers, and included improvements to station infrastructure, rolling stock, and working arrangements. We completed the process of approving the revised ATPs in March 2022.

ATP approval for Arriva Rail London (ARL)

The delivery of reliable assistance for disabled passengers depends on consistently good communications between the staff at origin and destination stations. To drive improvements in reliability, we specified an industry-wide 'handover protocol' in our accessibility guidance, which defined clear points of staff accountability and methods of communication between stations.

ARL (responsible for operating London Overground) requested a dispensation from the handover protocol during the approval process for their ATP. The company maintained that the specific characteristics of its train services and staffing model necessitated a different approach, reflected in its use of a control centre. We conducted a rigorous evidence-based assurance exercise; consulting other operators and using a visit to the control centre to observe the ARL process in action. Having established that the ARL model gave functionality and reliability in line with the handover protocol, we decided that it would be proportionate to grant a dispensation from the handover protocol requirement, and approved ARL's ATP on this basis.

Disabled passenger experiences

41. We conduct ongoing consumer research, seeking views directly from passengers who have booked assistance on their experience. More than 5,200 passengers participated in the research during the reporting year April 2021 to March 2022, which is [published alongside this report](#). We will be engaging with those operators where our research identified particular concerns over the reliability of assistance provision and may commission targeted audits where appropriate.

42. Passengers can also travel without booking assistance in advance. We commissioned a small ‘mystery shop’ audit by disabled passengers of the experience of travelling from 147 staffed and unstaffed accessible stations and have [published the findings](#) alongside this report. The audits highlighted the need for passengers to feel confident that they will be able to request assistance on arrival at an unstaffed station, such as via a HelpPoint, which will help inform our targeted work on reliability of assistance.

Implementation of the two-hour window for booking assistance

43. We closely monitored operators’ implementation of the reduced window for booking assistance, which was facilitated by RDG through the development of common industry processes. All operators were able to accept bookings at two hours’ notice from 1 April 2022, including for the first train of the day. Our monitoring of the reliability of booked assistance will now be against this two-hour baseline.



Accessibility of operator websites

44. Many passengers rely on operators’ websites to access the information they need to plan their journeys. This year, we commissioned a follow-up to our 2020 review of website accessibility, which included a technical audit, accessibility information audit and user testing by disabled people. Many operators are now close to full compliance with the AA standard of the [Web Content Accessibility Guidelines](#) (2.0) and 13 operators now meet minimum requirements for the scope of accessibility information provided, compared to none in our previous review. Overall, while there is scope for further improvement, we welcome the progress that has been made. We have

published the full findings alongside this report and will engage with individual operators on their own performance with a focus on those that have most to do to reach compliance with the WCAG technical criteria: TfL, LNER, Northern Rail, SWR, Avanti West Coast and London Overground.

45. Separately, we commissioned an audit to test the accuracy of station accessibility information on operator and the National Rail Enquiries websites compared with the reality on the ground, which is described below.

Accuracy of information provided on station accessibility

Disabled people need reliable and complete information about the accessibility of a station to make confident decisions about whether and where to travel by rail. To assess the industry's performance we commissioned an audit of the information about station accessibility provided on operator and the National Rail Enquiries websites compared with the reality on the ground.

The audit was carried out throughout 2021 and looked at a sample of 226 stations for 21 train operators and two station operators. It identified a mixed picture, with some gaps in the availability, accuracy and level of detail in the information provided on websites and National Rail Enquiries for all operators. For example, we audited 32 stations for one of the train operators, and found incomplete or inaccurate information about step-free access for 13 stations, no meeting points at 31 stations, and further issues for multiple stations in five other areas. Other common themes, with gaps identified across different operators, were information on staffing hours (16 operators) and the availability of seating (17 operators).

We wrote to all operators in December 2021 with detailed findings for their stations that were included in our sample, asking them to set out how and when they would resolve the issues that we had identified. We also indicated where the prevalence of specific issues suggested that was a systemic issue, likely to apply to stations that had not been included within the sample. Most operators provided timely responses that gave us confidence that the issues we identified had been, or would be, addressed. For example, the operator confirmed that designated meeting points had been installed in 15 stations, with the remainder due to be completed, and that the results of an ongoing audit of step-free access would be published once complete. However, there are some areas where full solutions are dependent upon the further development of the National Rail Enquiries website, for example to provide additional information fields. We will continue to engage with operators collectively and individually to monitor progress, and to follow-up on areas of outstanding concern.

Staff training

46. Passenger-facing staff are critical to a disabled passenger's experience and good quality training, with disabled people's experiences of using the railway as a central focus, is essential. We extended the deadline for delivery of training to all passenger facing staff to the end of 2021 in recognition of challenges raised by the pandemic. Three operators did not meet this deadline. We required them to set out their plans to complete delivery and monitored their progress. One operator is still working towards compliance and we will be stepping up our engagement with them. Otherwise, our focus will now move to the delivery of refresher training, which we require operators to deliver for all relevant staff every two years.

Accessible rail-replacement vehicles

47. Disabled passengers need rail replacement vehicles used during periods of disruption to be accessible. We work with the Driver Vehicle Standards Agency to monitor provision, supporting them in their role of enforcing the [Public Service Vehicle Accessibility Regulations](#). The Secretary of State for Transport has exempted certain vehicles from the Regulations until July 2022, and has [invited applications](#) for further exemptions that would apply until July 2026. We have engaged with those operators who have a greater reliance on exempt vehicles to explore whether further steps are needed to manage risks for passengers.

Rolling-stock accessibility for wheelchairs

48. For users of wheelchairs and mobility scooters, access to the rail network often depends upon the availability of safe boarding ramps. Interoperability law sets clear technical standards for ramp / rolling stock compatibility, and standards for availability, maintenance and staff training. Over the past year we have engaged with nine operators where we have identified concerns about compliance. Some recurrent issues have arisen, and we are considering what further steps we could take to ensure all operators meet their legal requirements.

Assistance during disruption

49. During disruption, we expect operators to engage directly with passengers who have booked assistance and to do everything possible to ensure that, wherever possible, passengers who need assistance are able to continue their journey.
50. In February 2022, when passengers nationwide were asked not to travel because of storms, operators contacted customers to cancel all booked assistance and explore alternative arrangements, while continuing to make best endeavours to provide assistance on demand. After the event, we challenged operators to review the processes for determining and communicating messages to disabled passengers ahead of disruption. We are pleased that operators have been reflecting on lessons

learned to shape options for providing assistance during future disruption. During the strike action in June 2022, operators offered assistance for trains that were running and proactively contacted passengers whose bookings were affected by the action.

Accessible railway stations

51. This year, we continued to analyse infrastructure projects where we have identified potential weaknesses regarding compliance with the Code of Practice on Design Standards for Accessible Railway Stations. The table on the following page illustrates those cases where we have engaged with Network Rail regarding its work to deliver accessibility improvements across their regions.
52. We have seen a welcome improvement by Network Rail towards embedding accessibility into infrastructure works and more common use of Diversity Impact Assessments. Nonetheless, we have continued to identify examples where accessibility has been overlooked during a station project. We will work to ensure that the upcoming revision of the Code by DfT promotes clarity both on the specific accessibility requirements and the overarching governance framework including project-planning and scoping expectations.

Table 2.1 Code of Practice on Design Standards for Accessible Railway Stations

Station	Operator	Works carried out by and when	Issue	Update
Eltham	Southeastern	Network Rail (dates vary)	As part of platform extension works at Eltham, tactile paving was only applied to the newly extended part of the platform.	Since our intervention, Network Rail has fitted tactile paving across this route. Three of the 412 stations have not yet been completed but work is underway.
Horden	Northern	Network Rail (<two years ago)	A ramped bridge was installed as part of a new footbridge with minimal consultation with disability groups.	We continue to monitor Network Rail’s commitment to include relevant disability groups within consultation processes.
Kidbrooke	Southeastern	Network Rail	The provision of lifts was not included as part of the station’s	Network Rail has applied for Access for All funding to develop the station. We

Station	Operator	Works carried out by and when	Issue	Update
		(> two years ago)	major footbridge works.	continue to monitor progress.
Liphook	South Western Railway	Network Rail (<two years ago)	The provision of lifts was not included as part of the design stage of a footbridge renewal.	Network Rail met its commitment to install lifts by November 2021.
Reston	Scotrail	Network Rail	At a new station there were issues with: lifts; lighting; tactile paving; and step-free evacuation.	Network Rail addressed most issues in time for the station's opening in May 2022. We await an update on step-free evacuation.
Tilehurst	Great Western Railway	Network Rail (> two years ago)	The provision of lifts was not included as part of the station's major footbridge works.	Network Rail is committed to fitting lifts, with installation expected by the end of 2022. We continue to monitor progress.

Main priorities for year April 2022 to March 2023

53. In the coming year, we will:

- enhance our engagement on reliability of assistance with the lowest performing operators, informed by our ongoing survey of passenger experience;
- monitor the actions taken by operators in response to our audits of website accessibility and station information;
- seek assurance that operators are on track to deliver refresher training to staff within the required timescales;

- develop a proportionate approach to compliance with ATP obligations for bespoke operators that use the national rail network, such as trams, single station operators and heritage railways;
- inform DfT's review of the Station Design Code for Accessible Railway Stations, and review our approach to monitoring and securing compliance; and
- work with DfT and GBRTT as thinking is taken forward on the proposed National Rail Accessibility Strategy and National ATP under rail reform.

2.4 Complaints and redress

Introduction

54. Where things go wrong, we want passengers to feel confident that their complaints will be addressed and that they will be compensated where their journeys are delayed. We also want operators to use learnings from complaints to drive continuous improvement in passengers' experience of rail.
55. These expectations are underpinned by three licence conditions, which establish requirements relating to: complaints handling processes; handling of Delay Repay claims; and membership of the Rail Ombudsman, so that passengers can escalate complaints for independent arbitration where they are not satisfied with the operator's response.
56. As set out in last year's report, this year we introduced a new Delay Repay licence condition and progressed a substantive review of our complaints handling guidance and the complaints handling licence condition. In addition, we established plans for us to take on sponsorship of the Rail Ombudsman. Alongside this, we have continued to monitor industry performance and engage with operators where we have identified compliance concerns.

Policy development

Complaints

57. We want to drive a culture that sees operators actively using complaints as a source of insight to drive continuous improvement in passengers' experience of rail, and to incentivise both quality and timeliness in complaints handling. With that in mind, we have progressed our review of our [complaints handling guidance to licence holders](#), launching an initial consultation in August 2021 proposing a new Complaints Code of Practice, and a [second consultation](#) with revised text responding to stakeholder feedback in June 2022. Our next step will be to consider stakeholder feedback on the wording of the revised Code of Practice and draft licence condition, followed by a statutory consultation on licence change this autumn. Our intent is for the Code to take effect from 1 April 2023.

Delay Repay

58. Passengers who experience delay to their journey are entitled to compensation from the operator. We want to see more passengers claiming the compensation to which they are entitled. In May 2021, we published a [second consultation](#) on a new licence condition and Code of Practice designed to see operators increase awareness of delay compensation rights, make the process of claiming easier, and make ongoing continuous improvements. Following a statutory consultation in August 2021, the new licence condition and [Code of Practice](#) came into effect from April 2022 and we will monitor compliance.

Ombudsman

59. Where a passenger is not content with an operator's response to a complaint, the Rail Ombudsman can provide independent arbitration. The 2021 Williams-Shapps Plan for Rail states that ORR will take over responsibility from the RDG for sponsoring the Rail Ombudsman. We have been developing plans for delivery and in June 2022 published a [consultation](#) on a new Ombudsman operating model and associated licence changes. We expect to establish an Ombudsman under ORR sponsorship in early 2023.



Train and station operator performance

Complaints

60. Throughout the reporting year, we continued our research to track how satisfied passengers were with the handling of their complaints. We received over 45,000 survey responses this year. Overall, 30% of respondents were satisfied with how the operator handled their complaint, a decrease from 33% the previous year (April 2020 to March 2021).
61. We also monitor complaint volumes and the timeliness of operator responses on an ongoing basis, and [publish](#) data quarterly. As a minimum requirement, train and station operators are required to make a full response to 95% of complaints within 20 working days. Most operators consistently worked within this timeline throughout the year and indeed most respond to the majority of complaints within 10 working days. However, from late 2021, two operators (Transport for Wales and Grand Central) started to report poor performance. We engaged closely with them to understand the challenges they were facing and the mitigations they put in place and monitored progress. Further details are provided on the following page.

Failure to respond to 95% of complaints within 20 working days

Grand Central

Grand Central usually responds to all complaints within 20 working days and the vast majority within 10 working days (quarterly performance data is available [on our data portal](#)). However, in late 2021 its performance started to dip and in January 2022 Grand Central contacted us to set out the challenges it was facing in meeting the minimum regulatory requirements, citing staff absence due to COVID-19 and staff turnover as the key driving factors.

We engaged with the company on its analysis of the causes of its very poor performance and plans for returning to compliance, and instituted weekly reporting of performance alongside monthly reviews of its recovery plan. Grand Central engaged positively in this process and provided us with a comprehensive recovery plan with timescales and milestones that it could be held accountable to.

While Grand Central's performance remains well below expectations, we are seeing improvements delivered and will continue to monitor closely, holding the company to account for fulfilling its plan and returning to compliance.

Transport for Wales Railway

Transport for Wales Rail usually responds to the vast majority of complaints within 20 working days, although performance at 10 working days is very variable and generally well below that of other operators (quarterly performance data is available on our data portal). In late 2021, we identified a notable decline in performance through our routine monitoring.

We engaged with Transport for Wales Rail to understand the drivers behind its decline in performance, which was attributed to increased complaints volumes linked to disruption coinciding with a period of high staff turnover. We instituted weekly reporting of performance alongside regular reviews of progress. Transport for Wales engaged positively in this process and made notable improvements in early 2022, returning to compliance with the 20 working day minimum requirement in April, largely achieved by an increase in resource.

Delay Repay

We monitor the volumes, approval rates and processing times of Delay Repay claims on an ongoing basis and publish data quarterly. Most operators are consistently processing over 99% of claims within 20 working days although we engage with operators where there are dips in performance.

Main priorities for year April 2022 to March 2023

62. In the coming year, we will:

- monitor compliance with the Delay Compensation licence condition and Code of Practice, and with current complaints handling obligations;
- issue a statutory consultation on the Complaints Code of Practice and prepare for implementation of the Code from 1 April 2023; and
- take on sponsorship of the Rail Ombudsman in early 2023, subject to contract tender and licence modification processes.



2.5 COVID-19 travel rules

Introduction

During reporting year April 2021 to March 2022, we continued to be responsible for monitoring Eurostar and Eurotunnel's compliance with the UK Government's COVID-19 travel rules ([Health Protection Regulations 2021](#)). These required operators to provide information to passengers and to check that passengers met travel requirements. We had powers to issue Fixed Penalty Notices to the operators per passenger identified where the operator had not carried out the appropriate checks, and for system and record keeping offences.

Policy development

The UK Government amended the COVID-19 travel rules throughout the year. For example, it introduced vaccination status checks for passengers and systems and record keeping offences for operators in July 2021. The Government started to lift the regulations in February 2022, initially removing the per passenger offences, before removing all requirements on 18 March 2022.

We continued to monitor and enforce compliance throughout, adapting our approach as the regulations were amended. As the regulations applied to aviation and maritime travel as well as rail, we worked closely with the Civil Aviation Authority, Maritime and Coastguard Agency, DfT and Border Force to ensure a consistent approach. We are grateful to all the agencies that we worked with for their collaborative and open approach.

Cross-channel rail operator performance

We monitored Eurostar and Eurotunnel performance primarily through reports received from Border Force officers based at ports. We also engaged with the operators to explore challenges they were facing and plans for resolution. Over reporting year 2021 to 2022 we [issued](#) 109 per passenger fines to operators, of which 24 were rescinded on appeal.

Annex A: Forward work programme April 2022 to March 2023

Table A.1 Forward work programme April 2022 to March 2023

Consumer area	ORR next steps
Ticket retailing and passenger rights	Continue to monitor operators' compliance with consumer law requirements, with a focus on ticket retailing and refunds.
Ticket retailing and passenger rights	Monitor the industry's follow-up work and implementation of any changes as result of our review of refund administration fees.
Ticket retailing and passenger rights	Review operators' annual service quality reports, to ensure these reflect the requirements in the Rail Passengers' Rights and Obligations Regulations.
Passenger information	Start to hold operators to account against the new customer information pledges.
Passenger information	Continue to scrutinise provision of timetabling information ahead of travel, and information provided ahead of major engineering works.
Passenger information	Continue to monitor the NRCC weekly reports and consider whether we need any other routine additional reporting from industry on passenger information.
Passenger information	Continue to actively participate in the SISJ programme to ensure that changes are delivered and are communicated to the industry and passengers.
Accessible travel	Enhance our engagement on reliability of assistance with the lowest performing operators, informed by our ongoing survey of passenger experience.
Accessible travel	Monitor the actions taken by operators in response to our audits of website accessibility and station information.
Accessible travel	Seek assurance that operators are on track to deliver refresher training to staff within the required timescales.
Accessible travel	Develop a proportionate approach to compliance with ATP obligations for bespoke operators that use the

Consumer area	ORR next steps
	national rail network, such as trams, single station operators and heritage railways
Accessible travel	Inform DfT’s review of the Station Design Code for Accessible Railway Stations, and review our approach to monitoring and securing compliance
Accessible travel	Work with DfT and GBRTT as thinking is taken forward on the proposed National Rail Accessibility Strategy and National ATP under rail reform.
Complaints and redress	Monitor compliance with the Delay Compensation licence condition and Code of Practice, and with current complaints handling obligations
Complaints and redress	Issue a statutory consultation on the Complaints Code of Practice and prepare for implementation of the Code from 1 April 2023
Complaints and redress	Take on sponsorship of the Rail Ombudsman in early 2023, subject to contract tender and licence modification processes.

Annex B: Summary of sources of evidence on operator performance

Data and official statistics

- B.1 Train and station operators are required to provide us with regular performance data in relation to their passenger-facing activities. We publish detailed guidance for mainline train and station operators and separate guidance for station only or non-scheduled passenger services operators. This ensures that reporting requirements are consistently interpreted across operators.
- B.2 To provide transparency on operator performance, and enable operators to benchmark their performance against others, we publish these statistics on our data portal. We also commission research and undertake audits to explore specific areas of compliance and passenger experience.

Table B.1 Summary of data sources used in this publication

Passenger experience section	Evidence	Source
Passenger assistance	Passenger assistance (Periodic (4-weekly) statistics, published quarterly)	https://dataportal.orr.gov.uk/statistics/passenger-experience/passenger-assistance/
Passenger assistance	Experiences of Passenger Assist research report (ongoing passenger survey, published annually)	https://www.orr.gov.uk/media/23501
Passenger assistance	Disabled Persons Railcards (Periodic (4-weekly) statistics, published quarterly)	https://dataportal.orr.gov.uk/statistics/passenger-experience/disabled-persons-railcards/
Passenger assistance	Accessible Travel Policy implementation - Review of unbooked assistance and Help Points (audit)	https://www.orr.gov.uk/media/23499

Passenger experience section	Evidence	Source
Passenger assistance	Train and station operators' compliance with Accessible Travel Policy website obligations (audit)	https://www.orr.gov.uk/media/23502
Passenger complaints	Passenger rail service complaints (quarterly statistics, published quarterly)	https://dataportal.orr.gov.uk/statistics/passenger-experience/passenger-rail-service-complaints/
Passenger complaints	Passenger satisfaction with complaints handling (ongoing passenger survey, published annually)	https://dataportal.orr.gov.uk/statistics/passenger-experience/passenger-satisfaction-complaints-handling/
Delay compensation	Delay compensation claims (quarterly statistics, published quarterly)	https://dataportal.orr.gov.uk/statistics/passenger-experience/delay-compensation-claims/

Glossary of terms

Civil Aviation Authority – the UK's aviation regulator.

Competition and Markets Authority – a non-ministerial department working to promote competition for the benefit of consumers, both within and outside the UK.

Delay Repay – A scheme that allows customers to claim for a delay to their service as and when they occur, including all Season Ticket holders.

Department for Transport – a ministerial department, supported by 23 agencies and public bodies.

Driver Vehicle Standards Agency – an executive agency of the Department for Transport.

Great British Railways Transition Team (GBRTT) – The transition team responsible for creating Great British Railways, the new public body that will run and plan the rail network.

Health Protection (Coronavirus, Pre-Departure Testing and Operator Liability)(England)(Amendment) Regulations 2021 – Regulations amends the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 to introduce a requirement for persons travelling to England from outside the open borders area to possess a notification of a negative coronavirus test upon arrival in England or, if travelling on a shuttle service through the Channel Tunnel. The Regulations also introduces requirements for operators for passengers travelling to England from outside the common travel area to ensure that passengers who arrive in England on such services have completed a Passenger Locator Form.

Maritime and Coastguard Agency (MCA) – one of the four executive agencies that make up the Department for Transport. The MCA works to prevent the loss of lives at sea and is responsible, through the Secretary of State for Transport to Parliament, for implementing British and international maritime law and safety policy.

National Rail Communications Centre (NRCC) – Supports UK Train Operators by communicating the latest travel information.

National Rail Conditions of Travel – an agreement between a passenger and train operator which applies to all domestic (non-international) journeys by scheduled passenger train services on the railway network of Great Britain. It sets out passengers' and train operators' rights and obligations when travelling by train.

Network Rail System Operator – ensures that the railway network operates as one. Its role is to produce the timetable; deliver national operational strategy; the provision of high-quality analysis and long-term planning to improve performance and capability.

Rail Delivery Group – the British rail industry membership body that brings together passenger and freight rail operators, Network Rail and High Speed 2.

Smarter Information, Smarter Journeys programme – aims to achieve a step-change in customer experience through the provision of better customer information, and by providing customers with all the information they want, when and how they want it.

Ticketing and Settlement Agreement (TSA) – sets out the various arrangements between the operators relating to the carriage of passengers and the retailing of tickets.

Williams-Shapps Plan for Rail – The Government's plan to transform the railways in Great Britain.



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