The Rail Ombudsman

Common Complaints and Likely Outcomes Handbook

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Introduction

This document describes common complaint scenarios and gives an indication of relevant outcomes. It is important to note that every case is assessed on its individual merits and as such, outcomes will be decided on a case-by-case basis. These examples have, however, been selected to help Scheme Members / Rail Service Providers (RSPs), consumers and stakeholders recognise typical outcomes in relation to common complaints.

The Rail Ombudsman's Compensation Framework provides an overview as to how the Rail Ombudsman deals with claims for Compensation. You should view this Common Complaints and Likely Outcomes Handbook as supplemental to that document.

The Rail Ombudsman's consumer-facing information sets out the following:

How can we help you?

If you have a complaint regarding a rail service provider which you have been unable to resolve directly with them, you can refer your complaint to us.

Where we can take on your complaint, we will impartially investigate to ensure a fair and balanced outcome based on the evidence and information given by both parties.

What types of rail service complaints do we cover?

The Rail Ombudsman covers complaints raised by a consumer about the standard of service provided by a rail service provider. We (non-exhaustively) cover rail service complaints which relate to:

- Train Service Performance such as delays and cancellations
- The quality of staff interaction such as the manner and quality of information given
- The way that the rail service provider has handled your complaint
- Retailing and Refunds of tickets including the way that the ticket was sold to you and the information that you were given.
- The information given regarding timetabled journeys and/or engineering works
- On train and station issues such as toilet availability and passenger assistance
- Car Parking where the car parking is on railway land or the rail service provider sold the car parking ticket to you
- Provision and access to advertised services and or/facilities to consumers with disabilities
- Discrimination or issues arising under the Equality Act 2010

For more information on the types of disputes that we can consider, please refer to the Rail ADR Service Rules and Eligibility Criteria.

This handbook contains some of the common complaints which the Ombudsman can investigate along with outcomes which are specific to each consumer's complaint. We will look at each claim on its merits to ensure impartial and effective dispute resolution.

Please note that these case studies are here to help you understand the types of awards that might be made, but remember that our Ombudsman team will look at every application on a case-by-case basis and a customer's individual circumstances will be taken into account when deciding any award. There are more case studies available on the Rail Ombudsman website here. Two consumers may experience a similar problem, for example they may be delayed on the same train, but those circumstances may have a differing impact on each of them.

You should also bear in mind that although an award of up to £2500 can be made, the average award is much lower (as per the industry reports published on a quarterly basis on the Rail Ombudsman website here.

Possible Outcomes

Our Process Explained:

Out of Scope: If we cannot look at your claim it will be out of scope for one of the reasons explained in our Consumer Guide If we can transfer it to a consumer watch-dog, we will do so on your behalf and they will be in touch to let you know how they can help.

Simple Resolution: In some cases, you and the Rail Service Provider may settle your complaint directly outside of Mediation or Adjudication. If this happens, please let us know and we will close the complaint.

Mediation: The first stage of our process is mediation whereby the Ombudsman will intervene using the information and evidence provided to facilitate an agreement between you and the rail service provider. Mediation may be conducted by phone, email or letter.

If mediation is not successful (in other words, if the parties still cannot come to an agreement even after the Ombudsman's intervention), the Ombudsman will proceed to the second stage of the process which is adjudication.

Adjudication: This means that the Ombudsman will come to an independent decision on the case based on the evidence and information provided. This decision will be notified to both parties in writing.

Please note that the Ombudsman's decision may be lower, equal or higher than offers previously made and will be based on an impartial assessment.

This Handbook has been developed based on decisions reached by the Ombudsman at Adjudication as these represent the awards that we make as opposed to offers made and accepted, for example at Mediation i.e. this is where the Ombudsman has decided upon entitlement using a consistent decision-making process, whereas outcomes at prior stages can be influenced by other factors such as the varying propensity of Scheme Members to make offers, and of consumers to accept them.

Time & Trouble

We are all routinely inconvenienced at times in our daily lives and this can happen when travelling on public transport. Companies make mistakes, but it would be unreasonable to expect compensation every time a mistake occurs.

This matrix is designed to help you understand how an Ombudsman may grade the additional time and trouble you have experienced as a result of the Rail Service Provider's actions.

Please note that there are circumstances where the Ombudsman may feel that the impact of the events has caused little or no additional time or trouble and in those circumstances, they will make no award.

		Trouble Recognition of non-financial losses incurred by the Consumer			
		Not Significant	**Low**	**Moderate**	**High**
Time Recognition of the additional time incurred by the Consumer because of the act or omission of the Rail ADR Scheme Member	**Not Significant**	No £ Award	Up to £25	Up to £50	Up to £500
	Low	Up to £25	Up to £50	Up to £100	Up to £750
	Moderate	Up to £50	Up to £100	Up to £250	Up to £1500
	High	Up to £500	Up to £750	Up to £1500	Up to £2500

In deciding cases on their individual merits, the Ombudsman may depart from these bands where it is reasonable to do so. In such circumstances the rationale for the departure will be clearly stated.

Aggravating Factors and Alleviating Factors will be applied within the bands and could increase or reduce an award.

Delay Compensation Schemes

Case Category	Compensation Claim Rejected by RSP
Complaint	The Consumer's planned arrival was 12.32 which was timetabled when they booked the ticket. However there was a rail replacement service for part of the journey which meant a later arrival time of 13.05. The Consumer's claim was Delay Repay for a delay of 30-59 minutes.
RSP's Response	The RSP had rejected the claim on the basis that they ran an amended timetable and provided this to the Ombudsman, confirming the revised arrival time of 13.05. It was noted that the timetable can be amended any time prior to 10pm on the previous day in accordance with NRCoT.
Ombudsman's Considerations	The RSP had evidenced an amended timetable and it is the Consumer's responsibility to check the most up-to-date version of the timetable before they travel.
Outcome	No award made.

Case Category	Compensation Claim Rejected by RSP
Complaint	The Consumer travelled from station A to station C via station B. They claimed that due to delays on leg 1, they missed their connection at station B. The Consumer lodged a Delay Repay claim which was rejected by the RSP.
RSP's Response	The RSP stated that the Consumer had not factored sufficient time in to enable them to meet their connecting train at station B and therefore the claim was not eligible for Delay Compensation.
Ombudsman's Considerations	The Ombudsman viewed the connection times for the station which are available via the National Rail Enquiries Journey Planner. The Ombudsman was able to conclude that the Consumer had left sufficient time in line with this and due to the late running train into station B, they missed their connecting service to station C. The overall delay was 120 minutes.
Outcome	In line with the RSP's Passenger Charter, a delay of 120 minutes equated to Delay Repay Compensation of 100% of the original cost of the ticket. The Ombudsman awarded a full refund of the ticket cost.

Complaints Handling

Case Category	Response Times
Complaint	The Consumer contacted the RSP to complain that despite strike action being called off, the service they intended to travel on was cancelled and they had to travel the following day. The Consumer also complained that they had received no response from the RSP in response to their complaint and had therefore escalated the matter to the Rail Ombudsman upon the lapse of the 40 working days that the RSP has to attempt a resolution with a Consumer.
RSP's Response	The RSP acknowledged that strike action had been cancelled but as this was last minute, they were still operating a reduced service and maintained their advice via Do Not Travel notices. The RSP recognised that they had not explained this to the Consumer prior to the matter being raised at the Rail Ombudsman.
Ombudsman's Considerations	The Ombudsman was unable to make an award for the substantive claim as there was no information to suggest that the Consumer's intended service had been reinstated and the RSP had provided proof of their messaging to passengers. However, the Rail Ombudsman noted that there had been no response to the Consumer within either the time specified in the RSP's Complaint Handling Policy or within the 40 working day period set aside for the parties to come to a resolution prior to escalation which had an impact in terms of additional time to resolve the matter.
Outcome	The Ombudsman awarded £10 to acknowledge unnecessary time and trouble caused by complaint handling.

Case Category	Response Times
Complaint	The Consumer complained about the quality of information received at the time of booking Advance tickets and of subsequent delays in complaint handling.
RSP's Response	The RSP provided further information regarding the terms of Advance tickets stating that this is publicly available, stated on the ticket and in the information provided prior to purchase. The RSP provided evidence of correspondence to show their response times were within those published in their Passenger Charter/Complaint Handling Policy.
Ombudsman's Considerations	The Ombudsman reviewed the information available online and during purchase. It was oncluded that there was sufficient information available regarding the non-refundable terms attached to Advance tickets. The Ombudsman also concluded that the RSP response times were within the expected, published timescales.
Outcome	No award was made.

Train Service Performance

Case Category	The Impact of Delays on onward travel
Complaint	The Consumer travelled to the airport via train, selecting a train which was due to arrive over 1 hour before the time recommended to allow contingency in the RSP's Passenger Charter and that specified by the airport. The Consumer also stated there were two other services that would also have got them there by the specified time. The Consumer's train was stopped en-route and they remained on the train for just over two hours, missing their flight. They re-booked their flight and were claiming the additional flight costs back.
RSP's Response	The RSP confirmed the events but suggested that the additional costs could be claimed via insurance.
Ombudsman's Considerations	The Consumer evidenced confirmation that their insurance would not cover the costs of the additional flights under these circumstances. The Ombudsman reviewed the information in the Passenger Charter and that provided by the airline and airport. In addition, it was noted that there were alternatives if the Consumer's selected service had been cancelled. All of these sources supported that the Consumer had allowed contingency within their travel plans for reasonable disruption. It was also noted that onward travel was beyond the Consumer's control whilst trapped on the train. Furthermore, the Consumer mitigated their losses by booking a less expensive flight alternative.
Outcome	The Ombudsman made an award for the additional flight costs.

Case Category	The Impact of Delays on Onward Travel
Complaint	The Consumer travelled to London to catch a Eurostar connection, which only ran once a week during the ski season. They were due to arrive at the Eurostar terminal 45 minutes prior to the scheduled departure. As they were delayed on their in-bound train, they missed the Eurostar service and then booked flights with additional baggage for their equipment. The Consumer sought the costs of the additional flights and excess baggage.
RSP's Response	The RSP confirmed that their service was delayed, however declined to make any offers asserting that the Consumer had left insufficient contingency to make the connection.
Ombudsman's Considerations	The Ombudsman considered the connection times, which included a transfer via London Underground, and concluded that the Consumer had not left sufficient connection time, particularly, given that the intended service was so infrequent.
Outcome	No award was made.

Case Category	Lack of Catering Facilities
Complaint	The Consumer travelled first class on a service and complained that they did not receive the advertised catering service. They requested a price reduction on that basis.
RSP's Response	The RSP stated that catering was "*subject to availability*" and not included within the ticket cost. They declined to make an offer on that basis.
Ombudsman's Considerations	The Ombudsman reviewed the information available about the service and noted that catering was referenced within first-class benefits of the particular fleet of trains, specifically noting that '*free hot drink or bottle of water, and choice of flavoured shortbread'* was referenced without qualification. The Ombudsman was satisfied that catering was part of the advertised offering and notwithstanding that it was denoted as 'free', the information clearly indicated that it was a reasonable expectation on the part of the Consumer that they would receive some catering facilities.
Outcome	The Ombudsman awarded a price reduction on the cost of the ticket which equated to 10% of the original price of the ticket.

Quality on Train

Case Category	Insufficient Room to Stand/Sit
Complaint	The Consumer complained that the train was overcrowded and they sat in the only seats available which were in first class, for which they were charged an additional sum onboard. The Consumer believed the train had been de-classified and was seeking a refund of the additional sum paid.
RSP's Response	The RSP provided evidence of engineering works which meant that they were running a reduced service on the day in question. This was advertised. Further, the RSP submitted that the Consumer did not hold a seat reservation and was travelling on an off-peak return ticket which would have allowed them the flexibility to travel on a different service.
Ombudsman's Considerations	The Ombudsman found that the train was not de-classified and therefore, as the Consumer was sitting in first class, the RSP was entitled to charge for the upgrade. Additionally, the Consumer did not hold a seat reservation and was therefore not entitled to compensation for not being able to occupy a seat in standard class. Section 3.3 of the National Rail Conditions of Travel provides: 'Unless you have made a reservation, please note that your Ticket does not automatically entitle you to a seat, and at busy times you may have to stand.'
Outcome	No award made.

Case Category	Insufficient Room to Stand/Sit
Complaint	The Consumer complained that they had to stand on a service for an hour and a half. The Consumer provided video evidence of the conditions on board.
RSP's Response	The RSP provided information about how consumers can view train loading information, but stated as they do not offer seat reservations, they could not guarantee a seat. Passengers could choose to board the next service if they are concerned about loading.
Ombudsman's Considerations	Whilst the Ombudsman noted that the National Conditions of Travel confirm that unless you have made a seat reservation, your ticket does not entitle you to a seat, the RSP's Passenger Charter does state: *We have a commitment to plan services and allocate carriages to best avoid overcrowding. While we can't guarantee everyone a seat, we aim to ensure that nobody should have to stand for more than 20 minutes.* The Ombudsman considered that this raised an expectation that the fact that the Consumer had to stand for more than 20 minutes (which they had evidenced) would constitute a service reduction and the Ombudsman made an award of a price reduction on that basis.
Outcome	The Consumer was awarded £10 as a price reduction against the original cost of the ticket to compensate for a reduced service on the basis of the specific promise in the RSP's Charter.

Accessibility

Case Category	Booked Assistance Not Provided
Complaint	The Consumer booked assistance, for collection from the first class lounge. This was booked via the Passenger Assistances app, but the RSP failed to collect the Consumer who made their own way across the station to catch the service.
RSP's Response	The RSP stated that assistance is only available from a designated assisted travel lounge and whilst accepting that the App allowed for the Consumer to specify the first class lounge, stated that this could not always be guaranteed.
Ombudsman's Considerations	The Ombudsman was satisfied that the information available created the expectation that the Consumer could be collected from other areas within the station and the app provided for requests to be made. As the request was accepted with no qualification or reference to making their way to the assisted travel lounge, the Ombudsman considered that the Consumer should have been collected from the First Class Lounge. It was accepted that the Consumer made staff aware that they had arrived and another passenger was collected from the First Class lounge while the Consumer was waiting there.
Outcome	The Ombudsman awarded £100 for the failed assistance and a written explanation for the Consumer clearly advising to how to book assistance at this station, to avoid similar issues in the future.

Case Category	Failure to Disembark Passenger
Complaint	The Consumer boarded a train at Station A and was due to be met at Station B with a ramp to disembark the train. The ramp failed to deploy and the train started to depart the station so the Consumer pushed the emergency button and the train stopped. There followed a period of 10-15 minutes when the RSP tried to get the Consumer off the train but this was not possible due to its location on the platform so the train progressed to the next station and the Consumer was sent back to Station B in a taxi.
RSP's Response	The RSP provided information about how the incident transpired and the steps they had taken since in order to reassure the Consumer that they were taking all measures to understand the full circumstances of the incident. Offers were made prior to escalation to the Ombudsman which included free travel, a hamper and the provision of counselling.
Ombudsman's Considerations	The failure to provide assistance was not disputed. The Ombudsman recognised this was a one-off incident, however found that there were inadequate processes in

	place to inform the driver of what was occurring on the platform, which caused inconvenience in terms of additional time, in circumstances that the Ombudsman appreciated were distressing, occurred in a public forum, caused delay and necessitated the Consumer having to seek assistance from other passengers. The Ombudsman also considered the customer service provision which it deemed inadequate.
Outcome	The Ombudsman awarded £850 and made recommendations to the RSP around the customer service interaction, which can be an aggravating factor.

Property Damage

Case Category	Property Damage
Complaint	The Consumer complained that their coat was damaged by wet paint on a station bench that did not have any signage. The Consumer provided evidence from the dry-cleaner stating that it was unlikely that the paint stain could be removed, along with the price of comparable coats.
RSP's Response	The RSP accepted the likelihood of the stain being caused by paint at the station, given the records showing when the re-painting had taken place. The RSP offered £50 to cover the cost of cleaning or towards a new coat.
Ombudsman's Considerations	The Ombudsman took account of the acceptance of liability and the age of the coat, which, on balance, could not be dry-cleaned. The coat was 3 years old and would cost £100 to purchase new. The Ombudsman considered that £50 was reasonable in resolution, accounting for the age of the coat and its current retail price.
Outcome	£50 was awarded for property damage.

Company Policy

Case Category	Company Policy
Complaint	This case involves a dispute between a consumer and the RSP retailing the ticket. It concerns a refused refund for an unused Anytime Single first-class paper ticket valued at £184.80. The consumer requested a refund before the travel date and returned the ticket by Royal Mail Signed For post alongside a ticket for a separate booking in the same envelope.

RSP's Response	The RSP processed the refund for the other booking but stated the disputed ticket was not found in the envelope.
Ombudsman's Considerations	The consumer maintains both tickets were sent together and that the retailer lost the ticket during internal mail handling. The retailer's own admission that they do not routinely log full envelope contents is a significant factor, as it means neither party can definitively prove their position.
Outcome	After the retailer declined all offers during mediation, the case proceeded to adjudication, which awarded a partial refund of approximately 50% of the ticket value. The Rail Ombudsman recommended that the RSP reviews its current process for handling returned tickets for refunds. In particular, consideration should be given to whether the existing reliance on physical ticket returns by post remains the most effective method, or whether alternative approaches could provide greater clarity and assurance for both the RSP and its customers.