

Regulatory Impact Assessment - as published alongside June 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 (the Code) and amended licence condition. It updates the draft regulatory impact assessment that we published alongside our August 2021 consultation to reflect the changes we have made to the text of the draft Code of Practice, 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 Code.	[+] 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.	
Ownership of complaints	Licence holders that outsource their complaints handling functions remain responsible for ensuring	[+] Ensures quality of complaints handling is maintained.	[+] Provides clarity for licence holders and continues the existing expectation that they are responsible for compliance with	

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	<p>compliance with the requirements of the Code.</p> <p>Continues an existing expectation – but amended to relate to the new Code.</p>		<p>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 Code, and there are processes for assuring compliance.</p>	
<p>New</p> <p>Ownership of complaints – complaints about multi-modal travel</p>	<p>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 to signpost the complainant to the appropriate</p>	<p>[+] Would help to make the process of raising transport complaints more accessible.</p>	<p>[+] Could deliver reputational benefits for licence holders and the wider transport industry.</p>	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
	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 members of the governing Board) so that systemic	[+] 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. [+] Strengthens an existing expectation.	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
	<p>issues can be identified and addressed.</p> <p>Strengthens an existing expectation.</p>			
Information for passengers	<p>Licence holders must ensure information about how and to whom to complain is prominently displayed at stations, on websites, and on social media (for those licence holders who have a social media presence).</p> <p>Strengthens an existing expectation.</p>	<p>[+] Promotes awareness of the complaints process.</p>	<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 requirement. See accompanying consultation document for further detail.</p>	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
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. See accompanying consultation document for further detail.</p> <p>[+ -] Where practicable allows for some flexibility, for example where there are physical space constraints at multi-operator stations.</p>	
Information for passengers	Material relating to the promotion of complaints handling, and the complaints handling procedure itself, must avoid technical terms,	[+] Provides clarity for complainants and ensures the complaints process is accessible.	[+] Continues an existing expectation on licence holders from our current guidance	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
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	<p>or explain these where they must be used and be presented in plain language.</p> <p>Strengthens an existing expectation.</p>			
Information for passengers	<p>Licence holders' complaints procedures must make clear how a complaint can be made, to whom it should be sent, and what the essential 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>	<p>[+] Clarity for complainants on what essential information should be provided.</p> <p>[+] Clarity for complainants on the complaints process and timescales.</p>	<p>[+] Clarity for complainants on what essential information should be provided reduces follow ups, allowing licence holders more time to investigate and resolve complaints.</p> <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</p>	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
			holders already set out timescales within their complaints handling processes.	
New Information for passengers	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.	[+] Provides transparency for complainants. [+] 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 passengers' rights and obligations (PRO Regulation).	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
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>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>[+] 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>	
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>	<p>[+] Provides passengers with transparency on the licence holder's approach to social media and the scope to make a complaint via that channel.</p>	<p>[+] Carries over existing expectations from our current complaints handling guidance.</p>	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
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.	[+] 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. [+] Carries over existing expectations from our current complaints handling guidance.	
Receiving complaints - call centres and customer relations teams	Requirement to accept complaints by telephone and publish the hours within which complaints can be made. Telephone numbers must include a landline or freephone or low cost access number. Strengthens and clarifies existing expectations.	[+] Provides clarity for complainants that wish to raise a complaint via telephone. [+] Ensures the complaints process is accessible, and potential complainants are not deterred from making a complaint via telephone due to high costs.	[+] All licence holders should already be ensuring that they publish the times they can receive telephone complaints. [+] The Code provides flexibility regarding the hours of operation in order to account for licence holders' circumstances and operations. [+] Makes explicit the existing expectation that the telephone is	

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			<p>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>	
<p>New</p> <p>Receiving complaints – in writing</p>	<p>Whilst licence holders are not required to provide paper complaints forms on request, 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.</p>	<p>[+] Ensures the complaints handling process is accessible to all.</p>	<p>[+] Removes an expectation for paper complaints forms to be provided on request, thereby reducing some resource burden.</p>	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
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.</p> <p>Strengthens existing expectations and introduces a new requirement on making the CHP available in alternative formats.</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>	
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</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</p>	

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	<p>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 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>		<p>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>	
Recording complaints	The Code sets out the minimum information that must be recorded within licence holders' customer complaints database or	[+] Consumers have confidence that there is a clear and consistent record of their complaint, and that	[+] Good record keeping enables effective complaints investigation.	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
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	<p>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 expands it to set out minimum information requirements.</p>	<p>they will not have to repeat information should they need to make contact again.</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 facilitate the capture of the minimum information set out in the Code 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.</p>	
Recording complaints	<p>Where complaints are handled by an outsourced provider on behalf of licence holders, the licence holder must ensure that they have</p>		<p>[+] Appropriate levels of oversight ensure effective monitoring of complaints handling processes to ensure good complaints handling</p>	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
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	<p>appropriate access to the outsourced provider's systems for monitoring purposes.</p> <p>Strengthens an existing expectation</p>		<p>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 resource costs to establish and maintain appropriate levels of access.</p>	
<p>New</p> <p>Responding to and investigating complaints</p>	<p>When acknowledging complaints, licence holders must include a link to their CHP or inform the complainant where a current copy can be obtained.</p>	<p>[+] Provides transparency of the licence holder's complaints handling procedure at the outset of the complaints process.</p>	<p>[+] Increased transparency between complainants and licence holders.</p> <p>[-] There may be some staff resourcing costs in setting up acknowledgement templates to include a link to the licence holder's complaints handling</p>	

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			procedure. It is expected that this cost will diminish once templates are established.	
Responding to and investigating complaints	<p>Advising complainants of the timescales for a response including when the anticipated resolution time might differ from published targets – either when acknowledging a complaint, or as soon as practical thereafter.</p> <p>Strengthens and expands on an existing expectation.</p>	<p>[+] Provides clarity for the complainant at the outset of the process.</p> <p>[+] Keeps complainant informed.</p>	<p>[+] Transparency helps to manage complainant expectations. This may reduce premature contacts from complainants before complaints are resolved. This allows complaints handling teams 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 95% of all complaints within 20 working days	[+] Sets a clear minimum requirement on complaints handling response times.	<p>[+] Continues an existing requirement on licence holders from our current guidance.</p> <p>[-] Some licence holders may find this a more stretching target</p>	

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			following the removal of 'stop the clock' from the calculation of complaints handling response times. This is mitigated by the fact our Code 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	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.	[+] Helps to raise complainant satisfaction with licence holders' complaints handling processes.	[+] Supports and incentivises early resolution and getting the response right first time. [+] Complaints that require swift escalation are prioritised. [+] Reduced likelihood of a complainant coming back with further concerns. [-] Some possible financial and resourcing costs in clarifying the	

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			outcome the complainant wants, if it is not clear at the outset.	
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 ten 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.	
Delays in handling complaints	The licence holder must inform ORR and the relevant ADR scheme in circumstances where it is likely to experience a widespread failure to adhere		[+] 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	[+] Allows ORR to effectively carry out its role. [+] Provides transparency for the relevant ADR scheme.

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	to the required timescales for signposting to ADR. Amends an existing expectation and applies it to new signposting requirements.		to the required timescale for signposting to ADR.	
New Resolving complaints	The Code sets out minimum requirements for licence holders when responding to complaints.	[+] Supports a good customer experience and satisfaction with licence holders' complaints handling processes.	[+] Provides licence holders with clear requirements on content and standards of complaint responses. [+] Supports good complaints handling across the rail industry. [-] 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 judgement on the appropriate format for a response.	
Dealing with frivolous or	Licence holders must have procedures in place for dealing with communications	[+] Provides clarity for complainants on recourse where	[+] Provides clarity and improves confidence of complaints handling staff dealing with communications	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
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vexatious complaints	<p>believed to be frivolous or vexatious and record any such complaints that have been terminated for these reasons. Complainants must be advised of the contact details of the relevant ADR scheme where a complaint has been terminated for these reasons.</p> <p>Strengthens an existing expectation.</p>	<p>complaints have been terminated on the basis of being frivolous or vexatious.</p>	<p>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>	
Compensation and redress	<p>Information requirements on compensation and redress.</p> <p>Updates, strengthens and expands on existing guidance.</p>	<p>[+] Complainants are informed about the remedy options available for complaints. This promotes transparency for complainants.</p>	<p>[+] Licence holders provide clarity on the remedies available to address dissatisfaction as appropriate for each complaint.</p>	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
Compensation and redress	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	[+] Supports awareness of arrangements for redress when assistance fails.	[+] Continues and aligns with existing requirements in ORR's ATP guidance.	
Escalation	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.	[+] Clarity for consumers.	[+] Licence holders are already expected under our current guidance to set out in their complaints procedures criteria for escalating complaints.	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
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	Strengthens and simplifies an existing expectation.			
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 accessible for everyone.</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>	
Signposting to ADR	Sets clear requirements on when to signpost complainants to ADR and adds new provisions on what	[+] Ensures complainants are aware of their right to appeal the outcome of their complaints in cases where they are	[+] Provides clarity and consistency for licence holders on the timeframe and conditions in which an ADR letter is to be issued.	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
	<p>information must be provided to complainants.</p> <p>Updates, strengthens and expands on requirements within our current guidance.</p>	<p>dissatisfied with the licence holder's response.</p> <p>[+] Provides transparency for complainants. This may reduce premature contacts and associated rejected cases with the relevant ADR scheme. This may prevent complainants from being further frustrated and dissatisfied.</p>	<p>[+] Provides clarity and consistency on the minimum information that must be provided within ADR letters.</p>	
New Reporting	<p>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</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</p>	<p>[+] ORR will be able to effectively monitor complaints handling performance and understand whether licence holders' complaints handling</p>

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	<p>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>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 resolution time).</p> <p>[+] The introduction of an average response time metric will provide a more complete picture of licence 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</p>	<p>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>

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
			<p>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>	
<p>New</p> <p>Reporting – stop the clock</p>	<p>Removal of the use of ‘stop the clock’ when calculating complaints handling response times.</p>	<p>[+] Should incentivise collection of key information needed by licence holders to progress a complaint at the outset of the process.</p>	<p>[+] Ensures a common baseline for performance across all licence holders.</p> <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</p>	<p>[+ -] ORR data publications will provide appropriate contextual information on licence holders’ performance.</p>

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
		Consumers	Licence holders and Industry	Other
			<p>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>	
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 intervals and in response to evidence that complaints are not being dealt with effectively.</p> <p>Strengthens aspects of our existing guidance and sets</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 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</p>	

Policy area	Evidence and Proposals (full details in consultation documents)	Impact on [+] [-]		
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	baseline requirements on what training should cover.		out in the Code and seek assurance that outsourced staff have received complaints handling training.	
New Complaints handling resources and quality assurance	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 Code.	[+] Complaints handled and processed in a timely manner. [+] Quality of complaints handling is maintained.	[+] Increased levels of consumer satisfaction. [-] 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 handling model includes a service that is sufficiently resourced. 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	

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			measures may be required in these circumstances.	

Equality Impact Assessment

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 licence condition and Complaints Code of Practice.

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

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

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 in accessing 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 proposed Code of Practice 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.

Policy area	Potential issue	Relevant considerations and proposal
Access to the complaints handling process Overall licence condition and structure of proposals.	Passengers with certain protected characteristics may face particular barriers in accessing information about the complaints handling process, or in accessing the complaints handling process itself.	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. 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

Policy area	Potential issue	Relevant considerations and proposal
		<p>passengers with disabilities, including the provision of information about how to provide feedback or make a complaint.</p> <p>We have not sought to duplicate these existing requirements within our proposals.</p> <p>ORR recognises the complexity of the challenges faced by passengers with different protected characteristics, and the risk of setting detailed requirements that may not take the nature of every protected characteristic into account.</p> <p>Rather than specify specific requirements for each eventuality, we have sought instead to articulate a high-level requirement on licence holders to make appropriate and proportionate provision for customers who need assistance in accessing and using the complaints process.</p> <p>The Code also requires licence holders to make available a copy of their complaints handling procedure in alternative formats, on request, within a reasonable time period.</p> <p>These broad requirements will help to ensure that passengers with protected characteristics can participate in the complaints process to which they are entitled.</p> <p>Relevant text:</p> <p>Complaints Code of Practice, Provision 2</p>
<p>Access to the complaints handling process</p>	<p>Passengers with certain protected characteristics may face particular barriers in accessing the complaints handling process.</p>	<p>Provision 2 on Receiving complaints 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>

Policy area	Potential issue	Relevant considerations and proposal
		<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>
<p>Information for passengers - working languages</p>	<p>Passengers with certain protected characteristics may face particular barriers in accessing information about the complaints handling process.</p>	<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 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>