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**Chair:** Richard Blakeway  
**Chief Executive:** Donal Galligan

Transport Committee  
House of Commons,  
London, SW1A 0AA

27 March 2024

By email to: [transcom@parliament.uk](mailto:transcom@parliament.uk)

Dear Sir / Madam,

### **Scrutiny of the draft Rail Reform Bill**

We are grateful for the opportunity to respond to the Committee's call for evidence regarding scrutiny of the draft Rail Reform Bill. We have restricted our comments to whether the interests of passengers are sufficiently promoted by the provisions of the draft Bill.

#### **Summary**

1. The draft Rail Reform Bill provides an opportunity to enhance the protections that passengers have, by extending the Rail Ombudsman's jurisdiction to third-party ticket retailers.
2. Currently, rail passengers' ability to access the Rail Ombudsman is dictated not by the train operator they use, but rather by where they purchase their ticket from, causing both confusion and dissatisfaction.

#### **Background**

3. The Ombudsman Association (OA) is the professional association for ombudsman schemes and complaint handling bodies in the UK, Ireland, the British Crown Dependencies, and the British Overseas Territories.
4. The OA's membership criteria are recognised as representing best practice. This is reflected in the Cabinet Office's *Guidance for government departments on setting up Ombudsman schemes*<sup>1</sup>, which addresses the point of when it is appropriate to use the title 'ombudsman', and in the criteria used by Companies House on when a company can use the protected term 'ombudsman'<sup>2</sup>.
5. The Vision of the OA is that throughout the public and private sectors:
  - It is straightforward and simple for people to complain.
  - People making a complaint are listened to and treated fairly.
  - A complaint is dealt with quickly, fairly and effectively at the earliest stage by suitably trained staff.
  - People have access to an ombudsman in all areas of consumer and public services.
  - The learning from a complaint is used to improve services.
6. An Ombudsman helps to underpin public confidence in the organisations that they cover; by providing accessible and effective redress, and by feeding back the lessons from their work in order to help improve service delivery and complaints-management for the future.

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<sup>1</sup> [www.gov.uk/government/publications/new-ombudsman-schemes-guidance](http://www.gov.uk/government/publications/new-ombudsman-schemes-guidance)

<sup>2</sup> [www.gov.uk/government/publications/incorporation-and-names/annex-a-sensitive-words-and-expressions-or-words-that-could-imply-a-connection-with-government](http://www.gov.uk/government/publications/incorporation-and-names/annex-a-sensitive-words-and-expressions-or-words-that-could-imply-a-connection-with-government)

## **Response to call for evidence**

### ***Q. Are the interests of passengers and freight users sufficiently promoted by the provisions of the draft Bill?***

7. The draft Rail Reform Bill provides an opportunity to enhance the protections that passengers have, by extending the Rail Ombudsman's jurisdiction to third-party ticket retailers.
8. As set out by the Lady Chief Justice in her speech at the Civil Justice Council Forum<sup>3</sup>, the civil justice system plays three key roles in society: (1) it prevents disputes by guiding behaviour; (2) it resolves disputes without the need to resort to the courts; and (3) in the last resort, the courts determine disputes by adjudication.
9. Ombudsman schemes aim to deliver both (1) and (2), providing an independent redress model, free for consumers at the point of use, that can drive systemic change, tackle injustice, and help organisations to perform more efficiently and effectively. However, both passengers and train operators themselves will not get the full benefit of the Rail Ombudsman if it does not have the appropriate jurisdiction and powers.
10. As we highlighted in our response to the Office of Rail & Road consultation on the draft Rail Ombudsman operating model<sup>4</sup>, rail users are experiencing confusion and dissatisfaction when one element of their journey can be considered by the Rail Ombudsman but another aspect of the same journey cannot, particularly in relation to third-party ticket retailers. That means that rail passengers' ability to access the ombudsman is dictated not by the train operator they use, but rather by where they purchase their ticket from (and even how they pay for it).
11. Whilst the current arrangements allow for third-party ticket retailers to *voluntarily* join the Rail Ombudsman, it is clear from evidence in other sectors that this voluntary approach is not in the interests of consumers.
12. The UK Government's 2022 Consumer Protection study estimated that £54 billion of aggregate consumer detriment goes unaddressed each year.<sup>5</sup> Research undertaken by ICF and published alongside the UK Government's Consumer Green Paper highlighted that 70% of consumers who went to the courts did so because the trader refused to participate in 'Alternative Dispute Resolution' (ADR).<sup>6</sup> Considering the wider commitment from the UK Government to strengthen consumer rights and expand access to dispute resolution, particularly in relation to the work being undertaken by the Ministry of Justice<sup>7</sup>, we would urge the expansion of the Rail Ombudsman's compulsory jurisdiction to cover all elements of a passenger journey.

We are very happy to provide any further information if the Committee would find that helpful.

Yours sincerely



**Donal Galligan**  
**Chief Executive**

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<sup>3</sup> [Speech by the Lady Chief Justice: Civil Justice Council's 12th National Forum - Courts and Tribunals Judiciary](#)

<sup>4</sup> [ORR consultation: Rail Ombudsman sponsorship | Ombudsman Association](#)

<sup>5</sup> [Consumer protection study 2022 - GOV.UK \(www.gov.uk\)](#)

<sup>6</sup> [Resolving consumer disputes: alternative dispute resolution and the court system - GOV.UK \(www.gov.uk\)](#)

<sup>7</sup> [Dispute Resolution in England and Wales: Call for Evidence - GOV.UK \(www.gov.uk\)](#)