

Rail Sector Transformation Programme Consultation
Department for Transport,
Great Minster House,
33 Horseferry Road,
London, SW1P 4DR

8 April 2025

Dear Sir / Madam,

A railway fit for Britain's future

Thank you for the opportunity to respond to the Department's consultation on reforming the railways. We have focused our comments on the establishment of the new passenger watchdog and the arrangements for alternative dispute resolution.

Summary

1. We support the creation of a strong body to advocate on behalf of passengers.
2. Independent resolution of complaints requires the body doing so to be independent of both parties in a dispute; an ombudsman is the most effective model to identify systemic issues and help drive improvements in services and complaint handling.
3. The purpose of an Ombudsman, to resolve complaints on a fair and reasonable basis, as a quick and informal alternative to the courts, helps contribute to economic growth by underpinning consumer confidence, providing the reassurance that passengers will receive timely redress if something goes wrong.

Background

4. 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.
5. The OA's membership criteria¹ are recognised both in the UK and internationally as representing best practice. This is reflected in the UK Cabinet Office's *Guidance for government departments on setting up Ombudsman schemes*,² 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'.³

¹ www.ombudsmanassociation.org/about-us/join-ombudsman-association

² www.gov.uk/government/publications/new-ombudsman-schemes-guidance

³ www.gov.uk/government/publications/incorporation-and-names/annex-a-sensitive-words-and-expressions-or-words-that-could-imply-a-connection-with-government

6. 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.
7. 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.

Q4. What are your views on the proposed functions of the new passenger watchdog?

8. We welcome the Government's commitment to establish a powerful new passenger watchdog to champion their interests. However, it would not reflect established best practice for that body to have a complaint handling role.
9. As the Lady Chief Justice for England and Wales has set out,⁴ 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.
10. Whereas 'simple' complaint handling focuses solely on part (2) of that model, an ombudsman aims to deliver both (1) and (2), providing an independent redress model, free at the point of use, that can drive systemic change, tackle injustice, and help organisations to perform more efficiently and effectively.
11. An ombudsman is different to the basic transactional complaint handling which simply picks a 'winner' in a dispute. Resolving an individual dispute is of course key to those individuals involved, but the real value in the ombudsman model is their role in feeding back the lessons from their work in order to help secure redress for others in a similar situation, and to improve service delivery and complaints management for the future.
12. Independent resolution of complaints helps to underpin consumer confidence, an essential ingredient for economic growth. An ombudsman is recognised as the optimum model for delivering this function, not least because it is independent from both the industry it covers and from any advocacy bodies representing users, in this case passengers.
13. It is perhaps helpful to draw an analogy with the Courts; whilst it is essential that an aggrieved body has an advocate, it is the Judge, not the defence or prosecution, who makes the determination. An ombudsman is an advocate for fairness, not for one of the parties.

Q6. Which of the options to establish the Alternative Dispute Resolution function as part of the passenger watchdog would deliver the best outcome for passengers in your view?

14. As the consultation paper highlights, an organisation that is explicitly a passenger champion would be unlikely to meet the Ombudsman Association's criteria in relation to independence.

⁴ [Speech by the Lady Chief Justice: Civil Justice Council's 12th National Forum - Courts and Tribunals Judiciary](#)

15. As far as we are aware, the Rail Ombudsman has been effective in delivering the operating model set by the Office of Rail and Road (ORR) in 2022, developing sector specific expertise whilst doing so.
16. A further issue in relation to independence is that people should have direct access to an ombudsman, with the ombudsman alone having the power to decide whether or not a complaint is within their jurisdiction. Introducing a 'barrier' or 'filter' to access an ombudsman, via the new passenger watchdog, would not reflect best practice - and was explicitly rejected when the Rail Ombudsman was established.
17. The ORR's position, set out in 2022 following their consultation on the Rail Ombudsman operating model, was that the Rail Ombudsman should remain the *single front door* for all escalated complaints, and that consideration should only be given to reviewing that if evidence showed that the approach was having a serious adverse impact on passengers. We are not aware of any evidence that it has had, or is having, a serious adverse impact on passengers.
18. The move of the Rail Ombudsman's sponsorship to the ORR, as the independent regulator, was to address the issue that it could not meet best practice criteria around governance and independence if it was accountable to a body representing the industry. The same issue would potentially arise if it was accountable to a body whose main function was advocating for passengers.

We are happy to meet to discuss further and to provide any additional information in relation to best practice in the design and delivery of effective complaint handling systems.

Yours sincerely



Donal Galligan
Chief Executive