Policy paper - https://www.gov.uk/government/publications/railways-bill/railways-bill-the-passenger-watchdog

Railways Bill factsheet: the passenger watchdog

The Railways Bill will give passengers a powerful new voice in the railway, with a passenger watchdog responsible for setting tough standards, taking action to drive improvements where these are not met, investigating repeated issues with passenger experience and ensuring there is a clear route for passengers to resolve disputes.

It will advocate for all passengers' interests, offer advice and independently monitor passenger experience, holding operators to account and reporting on its findings publicly and transparently. This means passengers will have an independent voice fighting their corner, placing them back at the heart of our railways once again.

And Great British Railways (GBR) will be required to work closely with the watchdog – including involving them in planning passenger services, When the watchdog raises issues on behalf of passengers, GBR will listen and take action.

How will the watchdog be created?

The passenger watchdog will be grown out of the existing passenger body, Transport Focus, which will be given new, significantly stronger powers to become a more effective passenger champion. Doing it this way will enable a quick, seamless set-up and ensure the watchdog has the right capabilities and a passenger-focused culture from day one. The new watchdog will continue Transport Focus' existing roles as a watchdog for buses, trams, coaches and England's motorways and major A-roads.

What will the watchdog do?

The Railways Bill sets out several functions for the watchdog:

Advocacy and advice

The watchdog will ensure passengers' needs and interests are prioritised by advocating to government and GBR. The government and GBR will have to consult the watchdog when developing their policies, strategies and priorities for the railway – including when GBR is developing its business plan and passenger offer – and GBR must listen to and should act on the watchdog's advice. Other rail bodies, for example, the sector regulator, the Office of Rail and Road (ORR), or regional operators like Scotrail can also approach the watchdog for advice, which it will be required to provide.

Research and investigations

The watchdog will be able to demand information from train operators (including GBR, devolved and open access operators) to a set deadline – and if they fail to provide the information, the watchdog will refer operators to the regulator (ORR). This will ensure it gets the necessary information to investigate issues that matter most to passengers.

It will also become a central hub for authoritative research on the passenger experience. Findings from research and investigations will be published – shining a light on areas for improvement across the railways, as well as best practice.

Alternative dispute resolution

The watchdog will provide an independent dispute resolution service for unresolved passenger complaints, so that passengers have support if they are unable to resolve issues they experience directly with GBR and other operators.

To ensure this service has the right expertise and independence, it will continue to be provided by the Rail Ombudsman and run separately to the watchdog's other functions. However, it will be integrated with the watchdog through it having oversight of the service. The watchdog will ensure it is fit for purpose and use the intelligence from complaints made through it to identify thematic issues and areas for improvement. The watchdog will follow up on these issues using its other powers.

Accessibility

The bill places an explicit duty on the watchdog to consider the interests and needs of disabled passengers. The watchdog will use its research and investigation powers to monitor how services are delivered to disabled passengers and to understand their experience of the network. It can use its research and investigation powers, and its real-time complaints data to identify specific pain points or best practice and use this to engage with GBR and other operators to push forward improvements. The watchdog's role in setting minimum standards can also help drive improvements. For more information on accessibility in the Railways Bill, see the accompanying accessibility factsheet.

Setting and monitoring minimum standards

The watchdog will have the power to set standards in key areas that affect passenger experience. The standards must be agreed by ministers and the ORR to ensure they are viable – meaning, for example, that they don't come with prohibitive costs – and operators, including GBR, will have to comply with them.

The standards will cover things like:

- how travel information should be provided to passengers so that they can plan their journey, including when there is disruption

- how to handle complaints
- how delay compensation should be offered
- requiring operators to make services accessible to disabled passengers and those that need assistance; and ensuring passenger assistance is consistently offered, whether pre-booked or requested at the station

The watchdog will monitor how operators meet the standards and will be able to demand improvement plans where they are not doing so. If this does not lead to improvement or in cases of persistent and/or serious non-compliance, it can refer operators to the regulator for enforcement action.

Multi-modal functions

Since the watchdog is being established from Transport Focus, it will continue to carry out its current multi-modal functions (covering bus, coach, tram and users of motorways and major A roads). However, the new powers and duties the Railways Bill will place on it will only apply to rail services. The long-term vision is to expand the watchdog's full functions to other modes of public transport (such as buses and trams) so it can truly become a 'one-stop shop' for all passengers.

Geographical coverage

The passenger watchdog will monitor all rail services in Great Britain except for the services operating within the London railway area, and Eurostar services. These services are currently covered by London TravelWatch (LTW) which will continue its role. To ensure LTW is aligned with the passenger watchdog, it will also be given strengthened investigatory and information gathering powers.

Transport Focus and LTW currently work closely together already, and we expect this cooperation to continue.

What benefits will the passenger see?

The watchdog will speak with authority, work with government and operators to prioritise passengers, and ensure persistent issues are investigated, raised with operators and government, and addressed.

By carrying out the functions above, the watchdog will be uniquely empowered to understand where GBR and other passenger rail operators are falling short in providing the service passengers rightly expect, and ensure remedial action is taken.

Case examples

The following examples are hypothetical scenarios of how the passenger watchdog will be empowered to help passengers.

Case 1: overcrowded and delayed trains

Imagine you're a passenger on a local commuter rail line, run by GBR, and your trains are often overcrowded, delayed, or cancelled. The issue has persisted for several weeks with no sign of improvement.

What you can do:

- If direct complaints to GBR do not improve things, you can make a complaint about individual cases of delays, cancellations and overcrowding to the watchdog via the dispute resolution service it provides through the Rail Ombudsman. Persistent and repeated issues such as this one will be picked up for further investigation.

What the passenger watchdog can then do:

- The watchdog will draw on its user data surveys and operational performance data to investigate the issue.
- It can request further information from GBR to a clear deadline to understand the underlying reasons for the repeated service issues.
- It can then require GBR to formally set out the steps it plans to take to correct the issue.
- If GBR is not meeting minimum standards, the watchdog can refer the matter to the regulator for possible enforcement.
- Likewise, if GBR does not cooperate with the investigation, the watchdog can refer the case to the regulator for further investigation and enforcement action, if needed.
- In addition, if changes are not happening quickly enough or if issues are happening across multiple operators, the watchdog can put public pressure on operators by publicly naming and shaming poorly performing operators to make them more accountable for their performance.

Case 2: assistance failure

Imagine you have booked assistance at a rail station a week before your planned trip, but when you arrived, there were no staff available to help you board the train. Due to this, your journey is delayed, and you miss a vital appointment. This is not the first time assistance at the station has not been provided in a timely manner. You contact GBR but do not receive a satisfactory resolution to the complaint.

What you can do:

- Escalate your individual complaint to the watchdog via the dispute resolution service it provides through the Rail Ombudsman.

- If the issue is recurring, the watchdog will investigate it as a wider systemic issue.

What the passenger watchdog can do:

- It can review and investigate the individual case and offer a solution which could include compensation to you via the dispute resolution service it provides through the Rail Ombudsman. Decisions are binding on rail service providers.
- Rather than just focusing on the individual case, the watchdog will have an overview of all complaints and can detect trends. In this case, if the watchdog observes similar repeated assistance issues in an area, it can investigate the causes – including asking GBR to provide further information.
- It can work with GBR to find ways to address the issue, and, if necessary, require it to formally set out actions on how it plans to address it. It can also look to prevent future problems by sharing best practice across the network.
- The watchdog can also confirm whether the operator is complying with their accessible travel policy (ATP) – which each operator is required to have – and review the ATP guidance it sets for operators to follow if necessary. It could decide that a new minimum standard is needed, or that current minimum standards in operator licences need strengthening and recommend this to the Secretary of State for Transport and the ORR for action.
- Cases of consistent non-compliance, which do not lead to improvement despite engagement can be referred to the regulator for further investigation and potential enforcement action.

Case 3: fine for travelling without a valid ticket

Imagine you buy an advance ticket for a train departing at 15:12 to Manchester Piccadilly. Around 5 minutes before the scheduled departure, a train heading to Manchester Piccadilly pulls into the platform and you board the train. When a ticket inspector comes, you are issued a fine for £100 plus the fare for travelling without a valid ticket.

You contact the appeals body listed on the notice to appeal the fine and explain you believed you had boarded the correct train as it was going to the same station from the same platform. You made an honest mistake.

What you can do:

- In the first instance, you can appeal the fine. If your appeal is unsuccessful, you can contact GBR and/or the watchdog.

What the passenger watchdog can do:

- In individual cases of honest mistakes, the watchdog can step in to support you and help to resolve the issue with an operator.
- It can investigate an individual case once it is made aware and engage with the operator to find a fair resolution.
- While it cannot force any changes, it can rely on its industry knowledge and influence to achieve better outcomes. For example, upon investigating, it may discover that there was a mitigating circumstance, such as a disruption, or the station information was unclear. This means it could achieve better outcomes, such as waiving or refunding fines.
- As a statutory advisor to the government and GBR, the watchdog will also be able to ensure issues like these are considered upstream when policies are being developed and advocate for clearer policies and the better handling of situations of honest mistakes. It will use complaints data and customer research to shine a light on the impact confusing policies and procedures have on passengers and encourage action, making the problem less likely to happen in the first place.