

Introduction

The Appeals Service (AS) has been set up to process appeals from rail users who feel that they should not have been charged a penalty fare. This Code of Practice sets out the standard of service together with the process and criteria that AS will use in handling penalty fare appeals.

About the Appeals Service (AS)

AS operates in line with the Railway (Penalty Fares) Regulations 2018 which came into effect on 6th April 2018. Under the Regulations, rail users may appeal if they consider that they have been charged a penalty fare inappropriately, or if they are not the person liable for the payment of the penalty fare.

Is the service independent?

AS is completely independent of the train companies who charge penalty fares. Its accounting procedures have been designed to allow independent auditing by the train companies, and its management structure does not report to any train company. AS charges the relevant train companies for its service. However, it does not gain financially by rejecting an appeal. AS charges the train company the same amount for each appeal regardless of whether the appeal is accepted or declined.

Is the service confidential?

AS is registered under the General Data Protection Regulations (*registration number Z8097933*). It will treat all rail users' personal information as private and confidential. Neither the name nor the address of a rail user will be disclosed other than in exceptional cases permitted in law.

Is the service free to rail users?

AS is completely free for rail users. All appeals must be made in writing and must arrive no later than instructed on the notice. This is normally 21 days from the day after the penalty fares notice was issued.

How will appeals be decided?

Appeals are likely to be upheld only in one of the following circumstances:

- If the train operator has failed to satisfy the requirements of its Penalty Fares scheme or the Railway (Penalty Fares) Regulations;
- If the member of Train Company staff charging the penalty fare (the 'authorised collector') has not used appropriate discretion.

The first circumstance is likely to be a matter of fact. Train operators will need to keep records and supply them to AS to enable the facts to be established and a decision to be made. This may include records of actual opening hours of ticket offices, the availability of other ticket selling facilities such as ticket or permit to travel machines, and the existence and visibility of penalty fares warning notices.

In the second circumstance AS will consider whether the authorised collector used his or her judgement appropriately, in line with the guidelines for using discretion set out in the train operator's Penalty Fare Scheme.

How will appeals be investigated?

AS has arranged for train companies to provide it with the relevant information whenever a rail user appeals against a penalty fare, although AS do not have access to CCTV images.

Train companies are also required to provide AS with a copy of their Penalty Fare Scheme and a copy of the written instructions and guidance given to Authorised Collectors about how they should implement the Penalty Fare Scheme and how they should use their discretion.

Fairness and consistency

AS aim to treat all appeals fairly and consistently. To make sure that there is consistency AS use a set of specific criteria against which each appeal is assessed. For obvious reasons AS are unable to circulate the specific criteria, as the information could be misused.

Appeals will be considered by a trained appeals assessment officer. The information provided by the passenger together with any supporting evidence will be considered along with information and evidence provided by the train company.

Service levels

Train companies have agreed to provide AS with relevant and necessary information and/or evidence within five working days of being asked.

AS will respond to rail users within ten working days of receiving an appeal. If more information or evidence is needed, or if the decision is going to take longer than ten working days, AS will tell the rail user within ten working days.

Staff Training

A comprehensive staff training course has been developed to ensure that assessment officers have received all necessary and appropriate training. The programme includes in-built continuous staff assessment.

Audit

AS allows the train companies to audit its accounts. The train companies are aware of this and, if required, will exercise this right.