

# **ORR Consultation: review of the Code of Practice on retail information for rail tickets and service**

## **A consultation response from Independent Rail Retailers (IRR)**

### **Introduction**

Independent Rail Retailers (IRR) is a membership and advocacy organisation representing nearly all the major retailers who sell train tickets for Britain's railways.

Our members are passenger champions and play a key role in driving revenue for the rail industry by investing in technology, offering affordable ticket options, and implementing impactful marketing strategies.

IRR members are committed to providing excellent levels of customer service. They rely on attracting new customers and retaining existing users and the best way of doing this is to make the ticket buying experience as simple and easy to use as possible, and to give passengers confidence that they have bought the best ticket for their journey.

We confirm that this response does not contain any confidential information.

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### **Consultation Questions**

***Consultation question 1: Do you think that the Guidance achieves its purpose for its intended audience (i.e. retailers, as well as interested consumers)? Please provide any comments or feedback.***

IRR welcomes the review of the 2015 Code of Practice and the current consultation. We support the Guidance's primary aim of assisting rail retailers in meeting consumer law obligations and in promoting best practice.

IRR has no concerns that the document is now being renamed as guidance rather than as a code of practice. The 2015 Code was always clear in that its primary purpose was to provide guidance for retailers and not to act as a regulatory document in its own right. Naming it as 'Guidance on Rail Retailing' is still consistent with this.

We agree that it makes sense to update the guidance to reflect significant changes in consumer protection regulations.

IRR also supports the aim of this document informing interested consumers as well as retailers. This educational aspect for consumers is important – the more that passengers understand what to expect when buying a ticket, the more confidence they will have in the process and in having been sold the best ticket for their journey. This could help to improve public perceptions of rail retailing.

***Consultation question 2: Do these new principles achieve their intended purpose? Please provide any comments or feedback.***

IRR is comfortable with the move towards an overarching Core Principle (retailers must provide passengers with the information they need to make informed purchasing decisions), which is underpinned by four additional principles:

- Principle A – retailers should provide the information that passengers need clearly, and where they are likely to see it.
- Principle B – the information retailers provide should be accurate, truthful and should not be provided in such a way as it might deceive, even if factually correct.
- Principle C – retailers should provide information in a timely manner, including at the relevant stages of the purchasing process.
- Principle D – retailers should make it clear where relevant information is omitted or restricted which may be material to the passenger’s purchasing decision.

We feel these still reflect the key consumer issues and are consistent with the principles set out in the 2015 Code.

***Consultation question 3: Is this list of information sufficiently comprehensive? Please provide any comments or feedback.***

IRR broadly agrees with the list of ‘key Information’ provided on pages 4-6. These are, again, consistent with the 2015 Code.

The provision of accurate timetable information is clearly of the utmost importance to passengers, and this includes providing information on any planned engineering work. Third party members are committed to providing passengers with accurate and timely information. However, we would like to emphasise that in doing so they are heavily dependent on data provided by the industry, which they neither generate nor control.

We welcome the inclusion of a new term covering the accessibility of trains and stations and the ability for passengers to be able to determine if trains and stations are accessible to them. IRR has previously argued that the current process for booking passenger assistance is too fragmented and that third party retailers should be allowed to book passenger assistance when selling tickets. This would help create a much more seamless service for passengers requiring assistance.

IRR also notes the increased focus on transparency in displaying the ‘total price’ of a ticket (i.e. including any admin/booking fees or other charges). IRR members already comply with this and are committed to giving passengers accurate and clear information on the total cost of travel.

The new Guidance retains an emphasis on making consumers aware of the key terms and conditions attached to their ticket. However, this now just includes a reference to conditions “set out the National Rail Conditions of Travel, and ticket and/or railcard specific terms and conditions, such as flexibility, routeing, discounts, fulfilment, etc.”

While factual this is not as informative as the 2015 COP which included additional information and examples in this section. Under ‘key terms and conditions’ it said:

Including those set out in the National Rail Conditions of Carriage, and ticket specific terms and conditions, in particular key terms and conditions such as:

- Advance tickets: a passenger can only get on/off a train at the origin and destination for which the ticket is valid, ticket is only valid with accompanying proof of reservation (where required), and any restrictions on refunds;
- Off-Peak: times during which the ticket is valid;
- Season tickets: arrangements for duplicates if lost/stolen and refund arrangements;
- Railcards: if ticket(s) purchases using a Railcard then passenger must have the Railcard with them on their journey for their ticket(s) to be valid;
- Group tickets: where the group must always travel together; and any other terms and conditions, such as terms of sale, e.g. ticket collection arrangements – where the credit/debit card must be one that was used to make booking.

If one of the purposes of the Guidance is to inform individual consumers as well as retailers, then retaining some of the 2015 Code detail would be beneficial. It would give consumers some specific things to be aware of rather than just being redirected to other complicated regulatory documents and left to find this out by themselves. To re-iterate a point we made earlier, the more that passengers understand what to expect when buying a ticket, the more confidence they will have in the process and in having been sold the best ticket for their journey

***Consultation question 4: Are the case studies helpful in adding context from a rail retailing perspective to the legislative requirements? Are there any other current topics which you think should be included in the case studies?***

The case studies are helpful in adding context, but the IRR would like to make the following points.

We note that Case Study 3 refers to statements such as ‘book early to get the cheapest tickets’ potentially being misleading if cheaper tickets might become available later. IRR members are clearly dependent on train companies for access to tickets and the prices they set – they have no control over prices or quotas themselves. Therefore, it will be important that the train companies inform third party retailers if they have any intentions of issuing cheaper tickets later so that this information can be passed onto customers.

Case study 4 states: “Some pay-as-you-go (PAYG) options are only available via one ticket form e.g. contactless. In instances where PAYG is cheaper than paper tickets this should be made clear to the passenger.”

IRR would like to reiterate its concerns about the lack of access to certain products – including PAYG. While PAYG is welcome, independent retailers are currently barred from retailing these

products. This reduces informed choice and puts third party retailers at a competitive disadvantage. IRR would welcome the ability to automatically offer digital customers the same PAYG experience and fares as contactless customers.

***Consultation question 5: Do you have any additional comments or feedback you would like to provide which are relevant to our proposals?***

The Core Principle in the Guidance is to provide passengers with the information they need to make informed purchasing decisions. One such piece of information covers compensation and refund rights and arrangements. IRR would like to reiterate previous calls for its members to be able to process Delay repay Compensation for passengers.

Allowing independent retailers to process Delay Repay would offer cost effective solutions that provide genuine passenger benefits. It would:

- simplify processes and stop passengers being passed between retailers and operators.
- make claiming quicker and easier.
- facilitate greater innovation and use of automated payment methods.
- drive up claim rates.
- help drive up levels of satisfaction and trust.
- reduce fraud.

Allowing third party retailers to process Delay Repay claims would also be a step towards creating a level playing field between independent retailers and industry retailers. At present third party retailers do not have full access to products and services – some tickets can only be bought from train companies and some services (including Delay Repay and Passenger Assist) cannot be offered. This puts independent retailers at a competitive disadvantage as the railway retailer can provide products and services which third party sellers cannot match. The creation of Great British Railway makes this risk of self-preferencing even more acute. Giving third party retailers access to all products and allowing them to process Delay Repay would better allow all parties to compete fairly and make it easier for passengers to make an informed choice of retailer.

*Independent Rail Retailers (IRR) is the membership body for Britain's third-party ticket retailers, consisting of Assertis, Atomised, Evolvi, Fast Rail Ticketing, My Train Ticket, Omio, OnTrack, Raileasy, Trainline and Trip.com.*