



# Code of Practice

## About Penalty Services Limited (PSL)

PSL 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 PSL will use in handling penalty fare appeals.

## The Railways (Penalty Fares) Regulations 2018

PSL operates in line with the Railways (Penalty Fares) Regulations 2018, which came into effect on 4<sup>th</sup> of April 2018.

The Regulations state that every approved penalty fares scheme must include a procedure for passengers to appeal against a penalty fare. Appeals must be processed and decided in line with an approved code of practice.

All appeals must be made in writing and must arrive no later than the appeal-by date shown on the notice. This is normally 21 days beginning the day after the date on which the penalty fare notice was issued.

## Is the service independent?

PSL operates independently of the train companies who charge penalty fares by strictly applying its Code of Practice.

The appeals service is completely free for rail users. PSL charges the relevant train company a set fee for judging an appeal, which remains the same whether the appeal is accepted or declined.

## Is the service confidential?

PSL is registered under the Data Protection Act. 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 as permitted in law.

## How will appeals be decided?

The Railways (Penalty Fares) Regulations 2018 states that appeals are likely to be upheld only in one of the following circumstances:

- If the penalty fare was not charged in accordance with the requirements of the Regulations
- If the appellant is not the person liable for the payment of the penalty fare
- If the appellant owns a season ticket valid for the journey in question but was not in possession of the season ticket at the time the penalty fare was charged
- If there are compelling reasons why, in the particular circumstances of the case, the appellant should not be liable to pay the penalty fare.

The first three circumstances are likely to be a matter of fact. Train operators will need to keep records and supply them to PSL to enable the facts to be established and a decision to be made.

This may include records of actual opening hours of ticket office, 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.

Train companies are also required to provide PSL with a copy of their penalty fares scheme and a copy of the written instructions and guidance given to their Authorised Collectors about how they should implement the penalty fares scheme and how they should use their discretion.

For the final circumstance PSL will consider whether the reasons provided in conjunction with the Regulations and guidelines for using discretion specifically detailed in the train operator's penalty fares scheme are appropriate for the appeal to be upheld.

### **How will appeals be investigated?**

Each appeal will be investigated by a trained appeals assessment officer judging the complete evidence provided by the appellant and the train company.

Each appeal statement received will be fully read to ensure a complete understanding of all the passenger's points. The assessor will then look at the information provided by the train company and make a comparison of evidence.

It shall be for the train company to show that any of the relevant appeal facts described by the passenger are not true.

Only the issues relating to the passenger's strict liability to a penalty fare, or the way discretion has been applied, will be considered when judging an appeal.

Where an appeal mentions matters not directly concerning the legality of the penalty fare notice, for example a complaint about the behaviour of the Authorised Collector, PSL will pass copies of the appeal to the appropriate train company customer services department and notify the passenger accordingly.

### **A Fair Assessment**

To make sure there is consistency in the way appeals are decided, PSL uses an approved a set of specific scenario criteria against which PSL will assess each appeal.

These must remain confidential to avoid a passenger deliberately claiming to avoid a particular circumstance where they would know that their appeal would be upheld.

### **Service Levels**

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

PSL will usually respond to rail users within ten working days (but no longer than fifteen 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, we will usually 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 on-going staff assessments to ensure continued application of the agreed assessment criteria.

Each appeal has it's own auditable record to show if the required process has been properly followed by the assessor.

## Need further advice?

If an appellant has reason to believe that PSL has not followed the agreed appeals procedure then they may contact the Rail Passengers Committee for their area:

Transport Focus  
FREEPOST, RTEH-XAGE-BYKZ  
PO Box 5594,  
Southend on Sea, SS1 9PZ,  
Tel: 0300 123 2350

London Travel Watch,  
169 Union Street,  
London, SE1 0LL  
Web: [www.londontravelwatch.org.uk](http://www.londontravelwatch.org.uk)  
E-mail: [enquiries@londontravelwatch.org.uk](mailto:enquiries@londontravelwatch.org.uk)