

Penalty Fares Review - a Response from London TravelWatch

January 2010

London TravelWatch response to the DfT penalty fares review



London TravelWatch is the official body set up by Parliament to provide a voice for London's travelling public.

Our role is to:

- Speak up for transport users in discussions with policy-makers and the media;
- Consult with the transport industry, its regulators and funders on matters affecting users;
- Investigate complaints users have been unable to resolve with service providers, and;
- Monitor trends in service quality.

Our aim is to press in all that we do for a better travel experience all those living, working or visiting London and its surrounding region.

Published by:

London TravelWatch
6 Middle Street
London EC1A 7JA

Phone: 020 7505 9000
Fax: 020 7505 9003

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Executive Summary

London TravelWatch believes that any system of Penalty Fares should be clear and transparent in its operation and application.

- Passengers must have every opportunity to purchase the correct ticket for their journey before their journey commences. If there is no facility to do so then passengers must be allowed to buy tickets either during or at the end of their journey rather than be expected to pay a Penalty Fare.
- Train operators need to realise that passengers will make mistakes when fares and tickets are so complex in their nature, and allow for that.
- Independent appeals services should all operate to common standards with regard to methods of payment including by credit and debit cards, and electronic transfer. They should be contactable by phone, email and post, and have common standards
- If administrative charges are applied, these should occur if an appeal is lodged within the required period, and it should also be made clear to passengers that such charges may be applied when the original Penalty Fare is issued if the full penalty is not paid initially.
- We recommended that appeals bodies should be wholly independent of train operators and debt collection agencies to avoid any conflict of interest.

1 Introduction

London TravelWatch welcomes the Department for Transport (DfT)'s review of Penalty Fares rules and regulations, as we have been acutely aware that, despite the existence of independent appeal bodies, correspondence on penalty fares remain a significant proportion of our incoming correspondence (almost 10% of all appeals that we receive) for a number of years these have been in need of revision to reflect changes in ticketing technology and the availability of different types of fares.

In particular, the development of smartcard technology and the increasing use of systems such as Oyster within Greater London have not been easily compatible with the existing Penalty Fares rules and regulations. We believe this review should address the issues raised by this transformation of how passengers purchase and use tickets on the rail network.

2 General principles

London TravelWatch believes that all passengers should purchase an appropriate ticket for their journey before their journey commences or if this is not possible due to lack of facilities, during their journey. We believe that this is in the interests of equity for all passengers in that it ensures that there is an appropriate balance between the revenue generated by fare-paying passengers and any subsidy from the taxpayer.

In order to satisfy this, it is essential that passengers should have every opportunity to purchase a ticket appropriate to their journey before their journey commences, and also to have clear information on the availability and validity of the tickets and fares at the point of sale. The point of sale will include a wide variety of outlets such as booking offices, ticket vending machines, third party retailers, internet sites, telephone sales and on-train staff where other outlets are not available.

The DfT, in its guidance on Penalty Fares, says that they are most appropriate in urban and suburban environments. It recently published some research it commissioned for the South Central franchise replacement on ticketless travel in the South London Metro area. The results of this are instructive as to why some passengers do not purchase tickets appropriate to their journey and would normally be subject to a Penalty Fare.

The survey found that 8-12% of passengers had a ticket irregularity. The majority of these (4.5% of the total passengers, including those with valid tickets) did not have any ticket at all, whereas those who did have a ticket which was not valid for any particular reason were a very small percentage of the total.

Our conclusion from the survey (which covered a significant segment of London's railway network and therefore could be said to be representative on a wider basis) is that most passengers do have the correct ticket for their journey, but unless there are robust and enforceable controls (on both passengers and operators) then it is likely that there will be a significant proportion of passengers who will not purchase tickets if they believe that there is a significant possibility of them not being required to pay. A Penalty Fares scheme is a valuable tool in enabling the reduction of such activity.

Equally, some passengers purchase tickets but these are not valid for the journey that they make for some reason. The evidence suggests that in most instances these people will have not deliberately set out to commit an act of fraud. In these cases we believe it is the responsibility of train operators to

ensure that passengers have clear information and instructions on when, where and how tickets are valid before and during their journey, and to treat the case as an excess fare rather than a Penalty Fare. A clear and simple ticketing and pricing structure will reduce the incidence of 'wrong ticket' purchasing and reduce enforcement costs.

London TravelWatch believes that franchise specifications issued by the DfT should include reference to the operation of Penalty Fares and the ticketing facilities that operators are expected to provide at each station. Currently operators have the choice whether to run such a scheme or not, but we believe that in the interests of consistency in London it is essential that all local services have such a scheme in operation. In the case of stations within the London Travelcard area we believe that where possible staffed booking offices should be provided as well as at least one Ticket Vending Machine (TVM) and smartcard validation and vending facilities.

We consider that despite recent attempts to simplify the fares structure, the general complexity of the fares and ticketing structure means that consumers will make mistakes. Where train operators fail adequately to explain their products, or where passengers are given incorrect advice, we do not think that passengers should be penalised for making a genuine mistake. As such, we consider that the Penalty Fares Review needs to take account of Sections 4.5 and 6 of The Consumer Protection from Unfair Trading Regulations 2008, and in particular the provision of misleading information or the failure to provide sufficient information at point of sale for the average consumer to make an informed ticket purchase. There are a significant number of examples where consumers have purchased tickets in the belief that they were valid, only to find that they were subject to a penalty fare. Examples include notices at the station or information on the National Rail Enquiries or Transport for London websites appearing to suggest that a ticket is valid, or vague or meaningless wording on tickets.

The application of Penalty Fares should include a direction to staff to exercise the use of discretion in relation children under the age of 16, people with mobility difficulties or are disabled because of other impairments such as mental illness. In each of these cases there is a duty of care to ensure that these persons are not unduly put at risk by the application of a Penalty Fare. Operators should ensure that authorised inspectors have adequate means of contacting the police, local authority services for children and vulnerable adults, parents and legal guardians in the event of encountering vulnerable passengers without the correct ticket. In such a situation we would expect the operators first duty of care is to ensure that such persons are conveyed to a place of safety rather than issuing a penalty fare.

In addition we would ask that the established convention of not including airport, port and other international interchange rail stations in Penalty Fares schemes is continued. Operators in these cases should show discretion towards passengers who are unfamiliar with the UK and its railway operating practices.

3 Passenger requirements for the operation of a Penalty Fares scheme

Train operators should provide a wide of range of means by which passengers can purchase tickets prior to commencing their rail journey. These should include:

- A staffed booking office
- Ticket vending machines
- Internet and telephone booking
- Smartcard technology such as Oyster – including the ability to purchase and collect products within a reasonable time
- Mobile phone tickets

Where and when there are no staffed booking office or TVM facilities available, then operators must make arrangements for staff to collect fares either on train or at the destination station. It may be acceptable in some circumstances to use a system of permits to indicate that a passenger has genuinely boarded at a station without such other facilities. However, we believe that in most cases particularly in urban areas such as within the Greater London Travelcard area, the use of this type of scheme is not desirable and in the most cases providing a proper TVM would be more cost-effective and give passengers the ability to purchase tickets for the journey they actually require.

At booking offices, operators must ensure that staff are fully trained on the validity and availability of tickets and fares, and are able to communicate this information clearly and effectively to passengers. In cases where the passenger has clearly misunderstood or has been given incorrect information then there should be a presumption that a Penalty Fare is not appropriate and that instead an excess fare should be the means of dealing with the situation. Alternatively, there should be the discretion to waive any additional charge as a gesture of goodwill. Booking offices should also be capable of adding value and tickets to smartcards such as Oyster.

TVMs must similarly be able to able to explain to passengers in a clear, concise and logical manner the availability of tickets from the machine. Amongst other things it must be legible and user-friendly to all potential passengers, including those with disabilities. Ideally all TVMs should have the capability of issuing tickets to all National Rail destinations, and also of adding value or tickets to smartcards such as Oyster. However, where the required ticket is not available from the TVM and no booking office is open (or as in the case of London

Underground is only able to issue a limited range of tickets) then mechanisms should be in place to allow the passenger to travel without incurring a Penalty Fare. Examples of these include extension tickets from Travelcard Boundary Zones and the non-availability of Railcard discounts from TVMs operated by London Underground. In cases where the passenger has clearly misunderstood information or has been given incorrect information then there should be a presumption that a Penalty Fare is not appropriate. Instead, an excess fare should be the means of dealing with the situation or there should be the discretion to waive any additional charge as a gesture of goodwill. Where a penalty fare is issued by a train operator in such circumstances passengers should be given the benefit of the doubt and any appeal should be upheld.

Where there is no booking office or the booking office is closed then a TVM and (where a scheme operates) a smartcard reader should be available (subject to the caveats of previous paragraph), and failing that, fares should be collected on board by the operator. If it is not possible for whatever reason then the passenger should be allowed to purchase their ticket at any point where they would be required to leave the National Rail network: at the end of their journey or at an interchange. In these cases a Penalty Fare would not be appropriate and any Penalty Fares issued for journeys made from this station should automatically be suspended.

It should be noted that if in any of these cases the passenger asks for a ticket from an authorised Penalty Fare inspector under any of the circumstances listed under in the above paragraphs (and section 4 below) then it is likely that they have genuinely not attempted to commit an act of fraud and therefore should not be subject to a Penalty Fare, but allowed to purchase a ticket at the rate that they would have been entitled to at a booking office and with any appropriate discounts.

London TravelWatch believes that the current arrangements for discretion (such as when dealing with children, foreign visitors etc.) when applying a Penalty Fare are generally about right. However, in relation to cases where season tickets are either mislaid or forgotten we believe that train operators should have a consistent industry-wide approach as to whether to apply a Penalty Fare or not. Revenue protection staff should be able to check the details of all season ticket holders to see whether any claim by a passenger to hold a valid season ticket is accurate. This should include any tickets issued by Transport for London which are valid on the route in question.. We consider that in the first instance any passenger leaving their ticket at home should be issued with an Unpaid Fares Notice which should be withdrawn upon the presentation of proof of a valid ticket to any ticket office.

The operation of a Penalty Fare scheme must be clearly communicated to passengers by means of posters and other information, both prior to travel at stations and on trains during the journey. Failure to do so should be regarded as grounds for appeal.

4 Smartcard and mobile phone ticketing

Increasingly, smartcards and mobile phones will become the normal means of delivery for fares and tickets instead of paper tickets. These means will offer greater technological advantages to operators and reduce the risk of fraud if used appropriately. The introduction of these devices should however not increase the risk to passengers of incurring a Penalty Fare. This will mean where smartcards are valid, operators will have to provide the means of validating such smartcards all stations and enable all staff to be able to verify the validity of the smartcard. This also applies to mobile phone ticketing. In addition, administrators of Penalty Fares appeals (such as IPFAS and IAS) must have access to the databases of smartcard and mobile phone ticketing to be able to establish the validity and efficacy of any smartcard or mobile phone ticket that is presented to them. It is not acceptable for passengers to be expected to have to supply such administrators with these details at their own inconvenience and expense.

In the event of a failure of the smartcard facility at a station then there should be a presumption that the passenger was not attempting to defraud and therefore a penalty fare should not be applied in this case.

4.1 First Class

We recognise that a proportion of passengers will purchase First Class tickets in order to obtain to gain additional space or complementary refreshments. We receive a number of complaints from such passengers that standard class ticket holders will often use these facilities without paying the appropriate fare or without permission.

However, we consider that there are circumstances where it is reasonable for passengers to make use of empty seats. In particular, some train operators have severe overcrowding problems and because of a lack of on-train staff, no-one is available to declassify the service or give particular individuals permission to use the facility. We consider that where there is clear evidence of overcrowding on a regular basis, or overcrowding due to particular disruption on the day, train operators and drivers should automatically declassify First Class accommodation and make appropriate refund arrangements for any passengers with First Class tickets.

Where train operators regularly provide rolling stock which includes First Class accommodation but usually do not charge First Class fares, we consider that

penalty fares should not be charged on those few services where First Class fares do apply. For example, the vast majority of services between London Blackfriars and Herne Hill are Standard Class only services. However, for five services per day, First Class fares currently do apply.

5 Interchange arrangements

In previous iterations of the Penalty Fares Rules it has been expected that if no facility was available at the station at which they boarded, passengers should purchase tickets at the earliest opportunity, including at interchange stations. However, in recent years the practicality of this requirement particularly in urban areas such as London has become more difficult as a result of the introduction of more ticket gates at busy interchange stations (thus making passage to ticket offices more problematic for such passengers). There is difficulty too in that in many cases there will be insufficient time between connecting trains for a passenger to be able to purchase the required tickets. In addition, the rule was introduced at a time when many stations had poor or non-existent ticketing facilities, and ticket vending machine technology was limited. However, since then additional ticketing facilities have been installed, and the introduction of more sophisticated ticket vending machines has meant that the need for passengers to purchase tickets mid-journey has considerably reduced. Further provision of TVMs at stations without such facilities currently would reduce the need for passengers to purchase tickets mid journey even further.

London TravelWatch therefore believes that it is unreasonable to maintain this requirement under the new rules for the limited number of occasions where this situation is still likely to apply. Instead, the expectation should be that in these cases a penalty fare is not appropriate and that passengers should be allowed to purchase the correct ticket at any point on their journey.

6 Application of Penalty Fares

Notwithstanding all the situations and eventualities described above, there will be occasions when it is necessary to issue a Penalty Fare, in which case the passenger must be given clear justification as to why a Penalty Fare is being imposed, and also the process that will follow.

Firstly, passengers should be advised that they should pay the Penalty Fare immediately, but that they may have their money reimbursed (less the cost of the ticket that they should have had) if they appeal successfully. If they choose or do not have the means to pay not to pay the Penalty Fare immediately, they must be advised that additional administrative charges may be levied at a later date and the extent of these if the Penalty Fare is not paid within the required period.

Penalty Fares should be payable with cash, cheque, credit and debit cards, and electronic transfer. This may vary according to the communication used (face to face, post, telephone or internet). However, when the payment is not at the issuing time, the appeals body must be contactable by all of the following: post, non-premium rate telephone (at least in office hours 0800-1800) and internet (including email).

Upon submission of an appeal, the appeals body should respond to any appeal within 21 days giving a full explanation as to why any decision has been made. If a reference is made to the advice provided or behaviour of staff or to other issues relating to the train operator or station facility owner, the correspondence should be passed to the relevant party and the appellant advised of this and whether to expect a further response.

In cases where an appeal is made, it should be accepted that on receipt of the initial appeal that no administrative charges will be applied (by the appeal body or any debt collection agency on behalf of the train operator) if the appeal is received within the required period, until the appeal is resolved in the first instance. (This is the system currently used by IAS but not IPFAS). Effectively this is 'stopping the clock'. However, once an appeal has been determined then the 'clock' should start again, and the appellant be required to pay the Penalty Fare or any outstanding fare in the remaining time. We recognise that there could be practical implications for the collection of fines or pursuing prosecutions if the 'clock' is put on hold indefinitely because correspondence is still being exchanged, therefore we would be prepared to accept the principle that further correspondence from the appellant would not trigger a 'stopping of the clock'. However, if an appeals body requests further information in order to determine

an appeal, such as a copy of the ticket, an appropriate period (e.g. 14 days) should be allowed and specified in order to enable any passenger to comply prior to any administrative fee being levied.

Any penalty fare notice should indicate at what stage an administrative fee will be levied and how much that fee is. For example, similar to a parking ticket, they could state “You are required to pay a penalty of £x. A discounted amount of £x will be accepted in full and final settlement if received within 21 days of the issue of this penalty fares notice. If you believe that you should not have received this penalty fare notice, you may submit an appeal to the address below within 21 days. A failure to respond to this notice could make you liable to prosecution.”

Appeals bodies should also consider disability issues in the operation of Penalty Fares including reasonable adjustments for those with difficulties in putting appeals in writing. Disability (including mental health) should also be a consideration of any appeal criteria.

Appeals bodies need to be transparent in their public activities. It is also recommended that they should be wholly independent of train operators and debt collection agencies to avoid any semblance of a conflict of interest.

Finally, if no payment is received in relation to a Penalty Fare then there should be a consistent and well-publicised policy to prosecute persistent and wilful fare evaders.

Appendix A

Examples from London TravelWatch's Casework

Case 1

A passenger was travelling from Kings Cross and Potters Bar. They were sold an All Zones Travelcard for their journey at the LUL Ticket Office. The ticket does not state which route you can or cannot take and when they took the train to Potters Bar, the independent appeals body (IPFAS) claimed that the passenger was not mis-sold the ticket as the journey could be completed by bus.

We consider that, as the ticket does not show the destination on it and there is no description of which route can be taken, the passenger should have been given the benefit of the doubt and his appeal upheld.

Case 2

On 20th August, Ms R arrived at Ashted just as her train was about to depart. She asked a member of staff at the station if she could buy a ticket at Epsom and she was informed that she could. On the train, she went to the guard's compartment to try to buy a ticket but got no answer. On arrival at Epsom, she approached a member of staff who issued a penalty fare. An appeal was sent on 8th September and was received by IPFAS on 10th September.

On 14th September, a letter was sent by RPSS which stated that "it is now too late to appeal and payment is overdue". It demanded £18.10 within 15 days or a £20 administrative fee would be added. On 29th September, RPSS sent a demand for £38.10. On 1st October, Ms R sent a further letter stating that she had received no acknowledgement or receipt. On 9th October, she received an appeal acknowledgement from IPFAS stating that "due to the current high level of demand for our services, we have been unable to process your appeal as quickly as we would have liked". On 13th October, the appeal was declined as insufficient time was allowed to purchase a ticket. The next day, 14th October, a further letter was sent by RPSS demanding £58.10. Under protest, Ms R sent a payment for £38.10 on 20th October. RPSS confirmed on 23rd October, that Ms R has to date ignored their demand for a further £20.

Section 7.3 of the Penalty Fare Rules state that if "a person acting, or appearing to act, on behalf of the operator of that train or station indicated that the person was, or people generally were, allowed to board that train without a ticket or other authority to travel", no penalty fare should be charged. Therefore we believe that

the penalty fare appeal should have been upheld. We believe that independent appeals bodies should have guidelines for response times and that, prior to receiving a response to their appeal, no administrative fees should be charged.

Case 3

Dr B held a Zones 1-3 annual Travelcard and commutes daily on South Eastern Railways service from Hither Green to Waterloo East. He forgot his Oyster Travelcard on 13th June 2009, only realising when he reached ticket inspectors at Waterloo East. The inspectors gave him a Penalty Fare Notice and advised him that he simply needed to send IPFAS a copy of his Gold Card.

After sending this information on 20th June, IPFAS requested proof that the Oyster Card associated with the Gold Card was his. This evidence was not requested in the Penalty Notice or by the inspectors. Dated 10th July, the letter demanded this additional information within 14 days but only arrived at his house on 22nd July, making it impossible to provide the requested information within the timescale.

As Dr B notes, IPFAS offers no methods of contact by phone or email to make them aware of the problem. Therefore he sent through the additional information on 28th July. On 6th August he received a letter from the Revenue Protection Support Services (RPSS) demanding £40 (£20 fine plus £20 administration fee) within 10 days. When he phoned RPSS he got an answering machine message.

Through contacting London TravelWatch and the Managing Director of Southeastern, Dr B was able to get a £20 refund for the penalty fare from IPFAS and Southeastern sent £20 of rail vouchers to offset the administrative fees. We are concerned however that the appeals body was unable to get the information from TfL themselves and that no account was taken of delays in the post in levying administrative fees.

Case 4

Mr D travels every day on a season ticket from Tooting to St Pancras. He left his ticket at home and upon arrival at St Pancras was given a penalty fare. When he appealed his case he was told that his original ticket to London Terminals was not valid as far as St Pancras. He was sold his season ticket by Trainline and was advised by both them and First Capital Connect (FCC) that his ticket was valid to St Pancras. The ticket barriers at St Pancras had also accepted his ticket. The fare to St Pancras is the same as the fare to London terminals so no fare had been evaded.

Mr D cannot understand why St Pancras is not considered a London Terminal. If his ticket was not valid, he cannot understand why he was sold it; why his ticket opens the barriers and why this has never been brought to his attention by those checking tickets.

He was not in possession of his ticket and therefore FCC issued a penalty fare. However, if the RPI had checked, he could have confirmed that the customer had a valid season ticket and issued an excess fare. IPFAS refused to uphold the appeal as they stated that he did not have a ticket at the time and subsequently it was shown he did not have a valid ticket.

We consider that there is no way Mr D could have known that he did not have a valid ticket - he was sold it by a retailer and there are no notices at the station. References to validity restrictions are in Fares Manuals but are not printed on the ticket or in any available literature. We therefore asked FCC to withdraw the penalty fare stating that in our view they should not have issued the penalty fare in the first place. Initially, FCC refused to withdraw the penalty fare and have only now said that they will not enforce the penalty fare or the administrative fees attached to it.

We consider that independent appeals bodies should be given the power to act as a "one stop shop". They should be able to make common sense judgements and should explain to Mr D that his ticket isn't valid and that he should rectify his ticket anomaly. They should not uphold a penalty fare or request any administrative fees to resolve such cases.

Case 5

Ms C's daughter could not find her ticket when she got to Cannon Street on 15th July. She paid £3.70 and was given a penalty fare which she was told she get refunded if she found her ticket. She found her ticket later in the day and provided a copy of it to IPFAS but did not also provide a copy of her Oyster card which she used in conjunction with it. IPFAS received this on 22nd July and asked her to send a copy of the front and back of the Oyster card within 14 days. She was advised that "debt recovery would be instigated after the deadline for the responses" had past.

She sent the ticket off, but it did not arrive until 19th August. IPFAS upheld the appeal but refused to refund the administrative fees. Therefore, despite proving that she had a valid ticket, she was still charged a £20 administrative fee for late payment.

Case 6

On 26th August, Mr S was queuing at the ticket office and also saw a queue at the ticket machine. In order not to miss his train, he boarded the train and when he arrived at London Bridge he sought out a member of staff to pay his fare. He was charged a penalty fare, and appealed on 12th September.

On 29th September, he was asked for an administration fee by the debt collection agency (RPSS) but had received no response by the independent appeals body (IPFAS). We consider that the penalty fare was correctly issued, but that it is reasonable for passengers to expect a response from the independent appeals body prior to any administrative fees being levied.

Case 7 (201591)

Ms G fell asleep on a train on 9th September from London Bridge to Bexleyheath, waking up in time to alight at Barnehurst - one station after. The ticket collector would not accept her explanation and refused to let her go back one station, saying it was another fare. She offered to pay the extra for going past her station but he declined and issued her with a penalty notice.

She made an appeal against the penalty notice and whilst waiting for a reply she had continuous requests for payment and was informed that extra charges were being incurred all the time the payment was delayed. It was confirmed that the appeal had been received and that she would hear within 7 days but in fact it took 21 days. She was then issued with a summons and threats of being taken to court if they did not receive payment promptly. She was waiting to hear whether the appeal had been accepted before she made payment, but was then told she had to make payment before the appeal result and if granted she would get the money back. She therefore made payment in full on 30th October and has since received their letter of 4th November telling her of her unsuccessful appeal.

We believe that no administrative charges should be levied prior to Ms G receiving a confirmation that her appeal was unsuccessful. We are aware that staff are inconsistent about levying penalty fares in these circumstances, but accept that it was probably legitimate to uphold the penalty fare.

Case 8 (200645)

Mr B holds a monthly season ticket between Guildford and Clapham Junction. On 28th August, he was required to work at the companies' offices near Oxford Circus. Arriving at Clapham Junction, there were long queues for the ticket machines. He waited for 15 minutes in the queue only to find that the machines

were accepting cash only. He therefore travelled to Victoria Station and approached the inspector to purchase a ticket. He called Clapham Junction who denied there was a problem and was given a penalty fare. He appealed on 11th September, but received no reply. He received a letter on 6th October (despite being dated 23rd September) demanding the outstanding £18 plus £20 administrative fee asking him to pay with 15 days. He therefore wrote again on 8th October arguing that his appeal should be given consideration and that the penalty fare should be withdrawn.

IPFAS upheld Mr B's appeal and he was refunded £18. However, RPSS insisted that the administrative fee of £20 should stand. Ironically, if Mr B had travelled to Waterloo instead of Victoria, the penalty fare would have been issued by South West Trains. Their staff may have had better information on the ticketing situation at Clapham Junction, so it is possible that the original penalty fare may not have even been levied. However, more importantly, SWT use the other appeals service, IAS. Their debt recovery agency, IRCAS, do not levy any administrative fees while an appeal is ongoing and suspend the case for payment until an assessment has been made. Once an assessment has been made, they allow 14 days for the complainant to pay any outstanding fare or fee. As a result, if Mr B had taken the other route he would have probably not had to pay anything.

Ticket office and ticket machine queues far in excess of five minutes are common at certain stations and certain times. The Penalty Fares Policy states that "if queues at a particular station regularly fail to meet these standards at certain times or days of the week, the operator must either take action to sort out the problem before a penalty fares scheme is introduced or make sure that passengers are not charged penalty fares when these queuing standards are not met". Unfortunately, neither the DfT nor train operators are required to monitor ticket office queues nor report breaches of the standards set down in the Ticketing & Settlement Agreement.

Case 9 (200791)

Mr R regularly travels from Watford to Shepherds Bush on an Oyster Pay as you go. To attend a concert at Waterloo, he decided that rather than travel by tube, he would take the train to Clapham Junction and to Waterloo from there.

Upon his arrival at Waterloo, he found out that Oyster Pay as you go is not valid between Clapham Junction and Waterloo. He saw no information to this effect on the platform at Clapham Junction station.

When Oyster was first introduced, we argued that passengers should be given the benefit of the doubt and their penalty fare upheld if it is their first offence. The appeals bodies refused to agree to this, and therefore there continues to be a

regular stream of passengers who face penalty fares because they assume that Oyster Pay as you go is valid especially where validators are installed.

We recognise that this issue will decrease significantly from next January, but we fear that the problem will remain at stations that passengers believe are in London or that they consider Oyster should be valid at e.g. Dartford, Greenhithe (for Bluewater) or Stansted or Gatwick Airports.

Pay as you go problems will remain however. Whereas passengers can currently travel beyond the zone on their Travelcard using Pay as you go, in future they will require an Oyster Extension Permit prior to travel. We have been provided with no reassurance as to how the penalty fares system will interact with Oyster Extension Permits and how passengers will be informed about the change. We expect that in particular passengers living in North London who will be able to travel beyond the Travelcard boundary on the Underground but not on National Rail services will be particularly confused. We predict that there will be a stream of appeals in January on this subject unless train operators and appeal bodies use discretion in this matter.

Case 10 (201148)

On 24th August, Mrs R arrived at Hendon Station to find that the ticket office was closed so she was unable to purchase a ticket to Gatwick Airport. As a Freedom Pass holder, she required a ticket from the boundary of Zone 6 so she was unable to get the ticket here or at Farringdon when she changed trains. Upon arrival at Gatwick, she was given a penalty fare and told to appeal within 21 days.

Therefore on 4th September, she wrote to IPFAS appealing the penalty fare. On 18th September, she received a demand for payment. She replied on 25th September, enclosing a copy of her previous correspondence. On 5th October, she received a demand for £35. Therefore she sent a further letter on 9th October and this time used special delivery. On 20th October, she received a demand for £55. On 2nd November, she contacted London TravelWatch who advised her to pay the £15 penalty fare and to send through details. RPSS refuse to waive the £40 of administrative charges arguing that they did not have a copy of her original ticket.

We believe that Mrs R has been treated appallingly. The independent appeals body continually failed to correspond properly with her while RPSS continued to levy administrative fees. As she was unable to purchase a ticket in advance, she should not have been given a penalty fare in the first place.