

## **Rail Ombudsman - Independent Assessor Terms of Reference**

### **Consumer Facing Version**

1. The Rail Ombudsman's Independent Assessor is available to receive comments and concerns on the standard of service and the quality of decision making provided by the Rail Ombudsman, but not on decisions themselves. The Independent Assessor may therefore consider complaints about the services provided by us, including the practical handling of a case, but not about the decision or outcome.
2. Consumers and Scheme Members can lodge service complaints to the Independent Assessor via a designated email and or via the Rail Ombudsman Freepost postal address once our internal complaints process has been exhausted.
3. Consumers and Scheme Members must provide the Rail Ombudsman with a reasonable opportunity to respond through its complaints procedure ([Complaints about our service - Rail Ombudsman](#)) before a service complaint can be made to the Independent Assessor.
4. Service complaints must be made within 12 weeks of confirmation that the Rail Ombudsman has concluded its complaints procedure.
5. The Independent Assessor cannot comment on whether a case against a Scheme Member is within the jurisdiction of the Rail ADR Scheme or on any decision made.
6. The Independent Assessor will usually only consider a complaint after the Rail Ombudsman has concluded its investigation against the Scheme Member..
7. The Independent Assessor will not usually consider complaints that have been previously made about the same issue or are considered frivolous, vexatious or malicious and will have regard to the *Unreasonable Actions Policy*.
8. The Independent Assessor will not usually consider complaints that are not about the way we have handled a case against a Scheme Member (for example how we have responded to a Subject Access Request).
9. The Independent Assessor will make recommendations to the Rail Ombudsman in respect of their conclusions, including that the Rail Ombudsman re-opens a case and re-considers a decision if the process is flawed to the extent that it renders the decision unsound.

10. There is no appeal on the Independent Assessor findings.
11. The Independent Assessor shall implement appropriate target timeframes for case reviews to ensure complaints are handled in a reasonable timeframe and in any event not longer than 15 working days, save where exceptional circumstances are present.
12. The Independent Assessor shall undertake ad hoc reviews as required by the Rail ADR Service Board.

**The Rail ADR Service Board**  
**26 November 2023**