



# Zip Enforcement and Appeals Policy

Version 8  
Issue date: 1 November 2021

This supersedes any previous policy, is subject to review and is correct at time of publishing.



# Zip Enforcement and Appeals Policy

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## 1. Introduction

### 1.1 Scope

This document explains our policy on enforcement of the Zip Oyster photocard Behaviour Code. It is designed to help Transport for London (TfL) staff, stakeholders and members of the public understand the role of the Behaviour Code in challenging unacceptable, inconsiderate and inappropriate behaviour on the public transport network by Zip Oyster photocard holders. It also sets out how TfL may withdraw concessionary travel from Zip Oyster photocard holders who are found to be in breach of the Behaviour Code and how a young person may have their concessionary travel reinstated through participation in the Earn Your Travel Back (EYTB) scheme or through a successful appeal.

This document does not seek to provide interpretation of any legislation governing enforcement activity on the public transport network nor the terms and conditions of any ticketing scheme.

### 1.2 The Zip Oyster Photocard

The Zip scheme was introduced on 7 January 2008 to provide qualifying young people with an Oyster photocard that confirms their eligibility for concessionary travel on TfL services. Young people over the age of 11 travelling without a Zip Oyster photocard or an alternative valid authority to travel may be issued a Penalty Fare Notice or prosecuted.

The Zip brand currently incorporates the 5-10, the 11-15 and the 16+ Oyster photocards. For more information on the eligibility requirements and concessions associated with each of these please visit [tfl.gov.uk/fares-and-payments/](https://tfl.gov.uk/fares-and-payments/)

Access to concessionary travel is a privilege, not a right. Customers holding a Zip Oyster photocard must behave considerately and in such a way that does not adversely affect fellow passengers.

For this reason, all participants in both the 11-15 and 16+ Oyster photocard schemes must sign a Behaviour Code as part of the application process. If the young person is under the age of 18, their parent/ guardian is also required to sign to ensure that their child adheres to the Behaviour Code.



## 1.3 The Zip Behaviour Code

The Behaviour Code lists a number of behaviours that TfL considers to be unacceptable. It also explains that a breach of the Behaviour Code may result in the withdrawal of concessionary travel. The full terms and conditions of these schemes and the Behaviour Code can be viewed in full at [tfl.gov.uk/fares-and-payments/](https://tfl.gov.uk/fares-and-payments/). Customers are told how to access information about the Behaviour Code when they receive their photocard.

### Behaviour Code

The Behaviour Code states that:

If you are an 11-15 or 16+ Zip Oyster photocard holder you are required to adhere to TfL's Behaviour Code and the Terms and Conditions of issue. **If you do not, your Oyster photocard and/or your travel concession may be withdrawn.**

This Behaviour Code is in place to ensure you travel safely and show respect for our passengers, staff and property. Expected behaviours include, but are not limited to, the following:

- Act in a considerate and responsible manner
  - Act safely
  - Cooperate with our staff and treat them and other passengers with respect
  - Use language that does not cause offence to others
  - Ensure you are the only person that can hear your music
  - Ensure you pick up all your litter
  - Keep your feet off the seats
  - Give up your seat for others
- Look after your Oyster photocard
  - Ensure it is not used by another person
  - Ensure your photo is clearly recognisable and the card is in good condition
  - If it is lost, stolen or damaged, report it to TfL immediately even if you do not plan to get a replacement straight away
- Use your Oyster photocard correctly
  - Always touch in on the yellow reader on buses and trams
  - Always touch in and touch out on Tube, London Overground, DLR, TfL Rail and National Rail services



- Pay the correct fare if you do not have your valid photocard with you or it is damaged
- Pay any Penalty Fare that has been issued to you

You must **not**:

- Smoke, take drugs or drink alcohol on our vehicles and/or premises
- Behave in a way that we consider to be anti-social
- Commit any crime that affects our services, passengers, staff or property
- Breach the Conditions of Carriage<sup>1</sup>, PSV Regulations (1990)<sup>2</sup>, GLA Act (1999) or any TfL Byelaw

Since 1 June 2008 all Zip scheme photocard holders have been required to validate their photocards at the beginning of every journey. This means touching their photocard onto the yellow card reader at the start of their journey on all modes of transport and the end of their journey on Tube, London Overground, DLR, TfL Rail and National Rail services.

The Behaviour Code is not an exhaustive list of all possible behaviours that TfL would consider to be unacceptable. If a Zip Oyster photocard holder behaves in a way that TfL considers unacceptable or antisocial this may still result in the withdrawal of concessionary travel. This is regardless of whether the behaviour is listed above.

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<sup>1</sup> TfL's Conditions of Carriage are available on the TfL website:

[Conditions of Carriage - Transport for London](#)

<sup>2</sup> A copy of the PSV Regulations 1990 can be found on the Department for Transport website:

[The Public Service Vehicles \(Conduct of Drivers, Inspectors, Conductors and Passengers\) Regulations 1990](#)



## 2. Reporting

The Behaviour Code is one of several tools used to reduce crime and antisocial behaviour on the public transport network. There is a distinct difference between the confiscation of a Zip Oyster photocard and the withdrawal of concessionary travel. The confiscation or stopping of an active Zip Oyster photocard does not constitute withdrawal of concessionary travel.

### 2.1 Confiscation of Zip Oyster photocards

If an official believes a young person is in breach of the Behaviour Code they may consider it necessary to confiscate the young person's Zip Oyster photocard. This is to prevent further breaches of the Behaviour Code and/ or to provide evidence to support the withdrawal of concessionary travel. A Zip Oyster photocard may also be confiscated if the official believes it requires replacement. For example the photo has faded or it cannot be read by the yellow card reader. A replacement photocard can be obtained and an administration fee will apply.

In these instances, the confiscated photocard is returned to TfL's Compliance, Policing, Operations and Security (CPOS) directorate where it is stopped and securely disposed. The young person will be provided with an explanation for the decision to confiscate the photocard by the reporting official.

If a Zip Oyster photocard has been confiscated from a young person by a TfL Officer they will be given a Temporary Authority to Travel (TATT) to ensure that they are able to continue their journey.

Any faded and/or damaged ZIP Oyster photocards, due to wear and tear, must be reported via the helpline for a replacement to be issued.

If a young person has their Zip Oyster photocard confiscated for any other reason, including where the photocard has been deliberately damaged or defaced, they may be issued a TATT for one day only. A replacement photocard may be obtained via the same process and an administration fee will apply.



In all instances where a Zip Oyster photocard has been confiscated the young person can apply for a replacement while the investigations are on-going. Replacements can be obtained online or by phoning 0343 222 1234. An administration fee applies.

A replacement photocard is issued pending the outcome of any investigation into alleged the breach of the Behaviour Code. If the decision is made to withdraw concessionary travel the replacement photocard will be stopped. The administration fee will not be refunded in these circumstances.

## 2.2 Referral for withdrawal of concessionary travel

TfL's CPOS Directorate is responsible for withdrawing concessionary travel from young people found to have been in breach of the Behaviour Code. The decision on whether concessionary travel should be withdrawn is taken by the Investigations, Appeals and Prosecutions (IAP) team within CPOS, not the reporting official.

Reporting of breaches of the Behaviour Code can be carried out by a number of different agencies including, but not limited to:

- **Tfl Officers** – operating on the London Transport network
- **Bus Drivers** – acting on behalf of Bus Operating Companies
- **Bus Station Controllers (BSCs)** – operating at London Bus Stations
- **Revenue Inspectors (RIs)** – operating on London Tramlink
- **Revenue Protection Inspectors (RPIs) and Revenue Protection Officers (RPOs)** - operating on the TfL and National Rail networks
- **Police Officers and Police Community Support Officers (PCSOs)** – from the British Transport Police (BTP), Metropolitan Police Service (MPS) and City of London Police



An official may require the young person to provide their name, address, date of birth and other details relevant to the report.

## 2.2.1 Referrals from London Buses TFL Officers

If a TfL officer believes that a Zip Oyster photocard holder has breached the Behaviour Code on the London Buses network, the incident will be reported to TfL via an electronic report.

These reports are normally submitted on the same day as the incident and automatically generate an electronic case file for investigation by the Youth Team at IAP.

## 2.2.2 Referrals from Bus Drivers

If a bus driver believes that a Zip Oyster photocard holder has breached the Behaviour Code the Zip Oyster photocard may be confiscated and placed in a Pass Withdrawal Envelope. The bus driver will write the details of the incident on the outside of the envelope and submit to TfL via their bus garage.

If, based on the information provided, TfL believe there is potential justification for withdrawing concessionary travel, an electronic casefile will be created for investigation by the Youth Team at CPOS. If the decision is made to withdraw concessionary travel the replacement photocard will be stopped. The administration fee will not be refunded.

If TfL decides not to take further action the young person will retain the concessionary travel and no contact will be made with their parent/ guardian.

## 2.2.3 Referrals from London Underground, Docklands Light Railway, London Overground, London Tramlink, TfL Rail and Train Operating Companies

If a Zip Oyster photocard holder is found to be in breach of the Behaviour Code by a member of staff working for London Underground (LUL), Docklands Light Railway (DLR), London Overground (LOROL), London Tramlink, TfL Rail or a Train Operating Company (TOC) a report will be submitted by email in writing to TfL for consideration or by an electronic report to the Youth team in IAP



If, based on the information provided, TfL believe there is potential justification for withdrawing concessionary travel, an electronic case file will be created for investigation by the Youth Team at CPOS. If the decision is made to withdraw concessionary travel any replacement photocard will be stopped and the administration fee will not be refunded.

## 2.2.4 Non-criminal referrals from Police Agencies<sup>3</sup>

If a police officer believes that a Zip Oyster photocard holder has breached the Behaviour Code the matter will be investigated. A report may then be submitted by email or in writing to TfL.

If, based on the information provided, TfL believe there is potential justification for withdrawing concessionary travel, an electronic casefile will be created for investigation by the Youth Team.

## 2.2.5 Criminal referrals from Police Agencies<sup>4</sup>

Customers are informed when they apply for their Zip Oyster photocard that relevant police services and Local Authority Anti Social Behaviour units may provide TfL with details of any criminal convictions, warnings, reprimands, or other sanctions issued in relation to offences that have been committed by the concession holder on, or in relation to, London's public transport network. Such information may be used as the basis for the withdrawal of the travel concession. Also, TfL may inform the police of any decision to withdraw concessionary travel. Further information is available at [www.tfl.gov.uk/privacy](http://www.tfl.gov.uk/privacy)

If, from the information provided, TfL believe there is potential justification for withdrawing concessionary travel an electronic casefile will be created for investigation by the Youth Team at IAP.

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<sup>3</sup> These processes predominantly apply to the Metropolitan Police Service (MPS) and British Transport Police (BTP)

<sup>4</sup> For the purposes of clarity, 'criminal' refers to a case that has been referred to CPOS by a police authority as a direct result of police or judicial disposal in the form of a conviction or the issue of a warning, caution or reprimand.



## 3. Enforcement

TfL take enforcement of the Behaviour Code very seriously and have clear procedures in place to ensure that all cases are handled fairly, consistently and in line with TfL policy.

### 3.1 Investigation

TfL normally carry out an initial review of all reports within 5 days of receipt. If, following this review, TfL believe the alleged incident has resulted in a breach of the Behaviour Code a letter will be sent to the individual's parent/ guardian requesting an explanation of the incident<sup>5</sup>. The letter states that the parent/guardian must reply within 14 days. In all other circumstances a letter will be sent to the parent/guardian either reminding them of the requirements of the Behaviour Code or advising them that no further action will be taken.

TfL will take any response received into consideration in arriving at a decision. The outcome will normally be to take no further action, issue a warning, or withdraw concessionary travel. In each case, a letter will be sent to the individual's parent/ guardian informing them of the decision.

If a response is not received within the stated deadline, the investigating officer will make their decision based on the evidence available. A letter will be sent to the individual's parent/ guardian informing them of the decision.

If the decision is made to take no further action the young person's parent/ guardian will be notified and provided with details on how to obtain a replacement photocard (if they haven't done so already). They will need to pay the administration fee for the replacement photocard.

No interim travel costs will be provided to cover the time between the confiscation of the Zip Oyster photocard and the decision to take no further action.

TfL cannot be held responsible for the non-delivery of letters posted to Zip Oyster photocard holders due to changes of address or difficulties with the postal system.

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<sup>5</sup> This excludes criminal cases and those relating to non-validation of a Zip Oyster photocard



## 3.1.1 Failing to pay when required

Customers who fail to touch in their Zip Oyster photocard when a payment is required on non free services will be sent a letter asking for their explanation of the incident. A decision will then be made to either issue a warning or a suspension.

Whatever the outcome, a letter will be sent to the individual's parent/ guardian to inform them of the decision. Any replacement photocard will then be stopped seven days after this letter and can no longer be used.

## 3.1.2 Criminal cases

Young people who commit a crime that affects our services, passengers, staff or property will not normally be sent a letter asking for their explanation of the incident. Instead a letter will be sent to the individual's parent/ guardian informing them of the intention to withdraw concessionary travel within seven days of the date of the letter.

The purpose of the letter is to ensure that the parent/ guardian is aware that TfL have been informed of the breach of the Behaviour Code. It also gives notice of the withdrawal of concessionary travel and that any existing photocards will be stopped and can no longer be used.



## 3.2 Warnings

Warnings are issued to remind Zip Oyster photocard holders of their responsibility to adhere to the Behaviour Code. It is also a reminder for the young person's parent/ guardian of their responsibility to ensure that their child is aware of the Behaviour Code and complies with its requirements.

Warnings are normally kept on record for twelve months and are referred to should there be a further breach of the Behaviour Code within that time. However, TfL may refer to a warning that was issued more than twelve months ago as part of the assessment of an appeal against a decision relating to a more recent incident.

## 3.3 Withdrawal of Concessionary Travel

If TfL has reasonable grounds to suspect there has been a breach of the Behaviour Code a Zip Oyster photocard holder may have their concessionary travel withdrawn. This means that a young person will have to revert to paying appropriate published fares for their journeys, or apply for a non-concessionary 11-15 Zip Oyster photocard if within this age group. Only authorised members of TfL staff are able to withdraw concessionary travel.

If the decision is made to withdraw concessionary travel TfL will send a letter to the young person's parent/ guardian informing them that their concessionary travel will be withdrawn in seven days. The letter provides the parent/ guardian with an explanation for the withdrawal of concessionary travel and, where appropriate, will offer the opportunity to participate in EYTB.

This letter includes a frequently asked questions and information on how to make an appeal against the decision.

If the young person has an active Zip Oyster photocard at the time of withdrawal it will stop working the next time it is touched on a yellow card reader. Any attempt to use a stopped Zip Oyster photocard may result in a Penalty Fare Notice being issued or prosecution.



## 3.3.1 Withdrawal of concessionary travel from 11-15 Zip Oyster photocard holders

If concessionary travel is withdrawn from an 11-15 Zip Oyster photocard holder, the young person can apply for a non-concessionary 11-15 Zip Oyster photocard that allows them to pay as you go at half adult rate. Full fares information is available at [tfl.gov.uk/tickets](http://tfl.gov.uk/tickets). These photocards are denoted by an 'N' on the front of the 11-15 Zip Oyster photocard.

Non-concessionary 11-15 Zip Oyster photocards can be obtained by phoning 0343 222 1234. An administration fee will apply.

If a young person does not apply for a non-concessionary 11-15 Oyster photocard, the full adult fare must be paid. Full details of sanction periods can be found in section 3.3.3

## 3.3.2 Withdrawal of concessionary travel from 16+ Zip Oyster photocard holders

If concessionary travel is withdrawn from a 16+ Zip Oyster photocard holder the young person will no longer be able to travel free or at half-rate fares on buses and trams for the duration of the sanction period. The full adult fare must be paid.

## 3.3.3 Length of Sanctions

The guidelines for withdrawal have been agreed by TfL in consultation with the Metropolitan Police Service (MPS) and the Greater London Authority (GLA).

The length of the sanction period will be stated in the letter informing the individual of the decision to withdraw concessionary travel.

For 11-15 Zip Oyster photocard holders, access to concessionary travel may be withdrawn for anything from 1 year up to the 'life of the scheme'. Life of the scheme sanctions mean that a young person will no longer be eligible to apply for or use both concessionary 11-15 Zip Oyster photocards and 16+ Zip Oyster photocards. The duration of the sanction period depends on the type of breach and will normally follow the guidelines below:



Type of Breach		1 year	Life of Scheme
Failing to look after a Zip Oyster photocard		X	
Failing to act in a considerate and responsible manner		X	
Smoking or drinking alcohol		X	
Committing a crime			X

It is possible that an 11-15 Zip Oyster photocard holder who already has an active suspension period (e.g. 1 year) could then breach the Behaviour Code a second time, triggering a further (e.g. 1 year) suspension. In such cases the second suspension period will start once the first suspension period has ended.

At the end of the sanction period, the young person's access to concessionary travel will be automatically reinstated if they are still eligible. The young person can then apply for a new Zip Oyster photocard by phoning 0343 222 1234. They will need to pay an administration fee.

For 16+ Zip Oyster photocard holders, access to concessionary travel is always withdrawn for the life of the scheme – irrespective of the type of breach.

Type of Breach		1 year	Life of Scheme
Failing to look after a Zip Oyster photocard		X	
Failing to act in a considerate and responsible manner		X	
Smoking or drinking alcohol		X	
Committing a crime			X



## **4. Earn Your Travel Back (EYTB)**

EYTB is an initiative that was launched by the Mayor of London on 27 August 2009. It allows the minority of young people who lose their travel concession due to a breach of the Behaviour Code to earn it back earlier by taking part in a volunteering activity.

The initiative is led by Transport for London.

EYTB is often the quickest way for a young person to have their access to concessionary travel reinstated.

EYTB is not compulsory but young people are encouraged to take part.

### **4.1 Invitation**

If a young person is eligible to participate in EYTB their parent/ guardian will be notified in the letter informing them of the decision to withdraw their child's concessionary travel. TfL will include information on how to contact established volunteer organisations to arrange participation in a volunteering event as well as information on how a parent/guardian can arrange their own activity with a different organisation.

It is the parent/ guardian's responsibility to arrange their child's volunteering.

Young people who have had their concessionary travel withdrawn for committing a crime are not permitted to participate in EYTB.

TfL reserves the right to refuse participation in EYTB if the behaviour in question is considered sufficiently serious, violent or aggressive but has not resulted in a criminal conviction or police disposal.

EYTB is designed to provide young people with the opportunity to earn back their concessionary travel on the understanding that they adhere to the Behaviour Code in future. For this reason, a young person can only participate in EYTB once. If a young person has previously had their concessionary travel withdrawn due to a breach of the Behaviour Code and had it reinstated as



a result of successfully completing an EYTB activity, they will not be offered the opportunity to participate in EYTB again and any further participation will not be recognised by TfL.

By undertaking an EYTB activity, including activities they have organised themselves, an individual waives their right to make any further appeals against the withdrawal of concessionary travel. If an individual successfully appeals after having participated in an EYTB activity no payment in lieu of EYTB time will be made.

However, if an individual does wish to make an appeal, they can exit the appeals process at any point to take part in EYTB.

## **4.2 Participation**

A young person must successfully participate in their activity by spending a minimum of four hours to the satisfactory approval of the event supervisor in order to have their concessionary travel reinstated. The activity can take place in one event or over a number of sessions.

The activity supervisor is responsible for the supervision of all young people participating in the activity. The parent/ guardian will also need to agree to their child's participation as they are responsible for ensuring that they are satisfied that the activity and supervisor are suitable for their child. TfL will accept no liability for any loss, damage or injury on EYTB activities.

The young person will be expected to pay for their travel on TfL services until they have successfully completed EYTB, have had their travel concession restored and are in receipt of a valid replacement Zip Oyster photocard. This includes travel to and from an EYTB activity.

## **4.3 Reinstatement**

TfL will only reinstate a young person's travel concession if the activity supervisor is satisfied that the young person has fully participated in the EYTB activity and has signed an EYTB Participation Form to confirm this. The EYTB Participation Form must also be signed by the young person's parent/guardian to consent to their child's participation and, if they have arranged the volunteering themselves, to confirm that they have checked the organisation has suitable child protection and health and safety policies.



TfL will check with activity organisers to ensure that young people satisfactorily complete the volunteering task and that the activity meets a minimum standard. If a parent/guardian is uncertain about whether a volunteering activity meets EYTB requirements they must contact TfL at [IAP@tfl.gov.uk](mailto:IAP@tfl.gov.uk) before their child participates.

If a young person successfully completes an EYTB activity and provides TfL with a signed copy of the EYTB Participation Form, their concessionary travel will be reinstated and a new Zip Oyster photocard will be issued. The administration fee for the replacement will be waived. TfL will send a letter to their parent/ guardian to inform them of the decision. TfL will only reinstate concessionary travel if both the parent/guardian's signature and the supervisor's signature are present.

Interim travel costs incurred between the initial confiscation of the Zip Oyster photocard and the decision to reinstate concessionary travel will not be refunded.



## 5. Appeals

If a Zip Oyster photocard holder is found to be in breach of the Behaviour Code and the decision is made to withdraw concessionary travel they will be provided with details on how to make an appeal.

The appeals process provides individuals with the opportunity to challenge the decision to withdraw concessionary travel. TfL are unable to consider appeals against warnings.

There are three appeal stages whereby an individual can make an appeal against TfL's decision to withdraw concessionary travel

Only one appeal stage may be engaged at any one time, i.e. a second stage appeal can only start once the outcome of the first stage appeal has been decided. Unless instructed otherwise, an appellant may only submit one set of correspondence per appeal stage. Therefore, once an appeal has been received no further correspondence will be considered until the appellant has been informed of the outcome of the appeal.

All appeals must be submitted in writing or via email where applicable (for further information please see **Section 5.5**). Appeals cannot be considered over the phone or in person. To ensure that appeals are investigated fully, reference numbers must be quoted in all correspondence. Failure to provide a reference number may result in delays or an appeal being unanswered.

### 5.1 Out of Time Appeals

There are strict deadlines for making an appeal. This is to ensure that breaches of the Behaviour Code are dealt with promptly. The deadline for appeal is stated in the letter informing the individual of the decision to withdraw concessionary travel and/or in any correspondence informing them of the outcome of a previous appeal. The following appeals deadlines currently apply:



- 1<sup>st</sup> Stage – within 21 days
- 2<sup>nd</sup> Stage – within 14 days
- 3<sup>rd</sup> Stage – within 14 days

The timeframe for first stage appeals begins the day after the date of the letter informing the appellant of the decision to withdraw concessionary travel. The timeframe for second and third stage appeals begins the day after the date of the letter informing the appellant of the decision to turn down their previous appeal.

If an appeal is received outside of the deadline the appeal will normally be rejected and its contents will not be considered. A letter will be sent to the appellant informing them of this decision. No further appeal will normally be considered.

Out of time appeals will only be considered if the appellant provides suitable mitigation and evidence for submitting an appeal outside of the deadline. It is TfL's decision as to what constitutes suitable mitigation and evidence and this is decided on a case by case basis. An example might be where an appellant is taken ill resulting in hospitalisation preventing them from appealing within 21 days. They must then appeal, providing written evidence of their hospitalisation.

## **5.2 Appeals from Third Parties**

Appeals from third parties will not normally be considered. They will only be considered if they are made by the individual concerned or, in the case of a minor, by the individual's parent/guardian. In all other cases, written consent from the individual or their parent/ guardian will be required in order to consider an appeal from a third party.

## **5.3 Successful Appeals**

TfL takes breaches of the Behaviour Code very seriously. Therefore, an appeal will only be allowed if:

- The original decision to withdraw concessionary travel was incorrect
- There is significant and relevant mitigation and evidence put forward by the appellant to justify discretion



If an appeal is successful, the appellant will have their concessionary travel status reinstated and be able to apply for a new photocard. On occasion, an appeal may lead to a warning only being issued instead of a withdrawal of the concession (no free replacement will be offered in these cases). No interim travel costs will be refunded in any circumstances.

## 5.4 Unsuccessful Appeals

If the decision is made to turn down an appeal the appellant will be informed of the decision in writing. The letter will also provide the appellant with information on how to make a further appeal (if applicable).

## 5.5 First Stage Appeals

All first stage appeals are considered by a Youth Appeals Administrator at TfL.

Appeals must be submitted within 21 days of the decision to withdraw concessionary travel to:

Youth Appeals Administrator  
Compliance, Policing, Operations and Security (CPOS)  
Transport for London  
9G5 Palestra  
197 Blackfriars Road  
London  
SE1 8NJ

Or by email to [IAP@tfl.gov.uk](mailto:IAP@tfl.gov.uk)

Responses to first stage appeals will normally be provided within 21 days of receipt of the appeal. However, in certain circumstances it may not be possible to meet this deadline or it may be necessary to investigate a case further. If the delay in providing an outcome is likely to be significant the appellant will normally be notified of this in writing.

TfL may request further evidence from an appellant to support their claim. In these circumstances a letter requesting the supporting information will be sent to the appellant



specifying a deadline within which this information must be provided. If the deadline is not met the appeal will normally be refused.

## **5.6 Second Stage Appeals**

All second stage appeals are considered by the Appeals and Prosecutions Manager in TfL's IAP team.

Responses to second stage appeals will normally be provided within 21 days of receipt of the appeal. However, in certain circumstances it may not be possible to meet this deadline or it may be necessary to investigate a case further. If the delay in providing an outcome is likely to be significant the appellant will normally be notified of this in writing.

TfL may request further evidence from an appellant to support their claim. In these circumstances a letter requesting the supporting information will be sent to the appellant specifying a deadline within which this information must be provided. If the deadline is not met the appeal will normally be refused.

If an appellant submits a second stage appeal all previous correspondence with the Youth Appeals Administrator will be considered as part of their new appeal. The Appeals and Prosecutions Manager reviews each case and considers any mitigation put forward by the appellant. The appellant is then informed of the decision in writing. If the decision is made to turn down the appellant's second stage appeal, they will be provided with details on how to submit a final appeal to the Independent Appeals Panel (IAP).

## **5.7 Final Stage Appeals – Appeals Panel (AP)**

The third stage of the appeals process is the final opportunity for an individual to make an appeal against the withdrawal of concessionary travel.

All final stage appeals must be submitted in writing and are considered by the AP. There is no provision for appellants to attend IAP meetings in person. In the event that an individual is unable to make a written appeal (e.g. due to a disability) the AP will consult with TfL on an alternative method of appeal.



Due to the infrequency of AP meetings final stage appeals cannot be answered as quickly as first and second stage appeals. Responses to final stage appeals will normally be provided within three months of receipt.

## 5.7.1 Authority

The AP was originally set up to handle penalty fare appeals as an independent final appeal body as required by the GLA Act 1999. In the course of their deliberations they will normally consult the TfL Conditions of Carriage, DLR Conditions of Carriage, London Overground Ticketing and Travel Guide, Tramlink Conditions of Travel and National Rail Conditions of Carriage as appropriate. Powers are delegated to the AP as required to enable it to undertake any activity falling within its remit.

The IAP operates independently of TfL and was established in consultation with London TravelWatch.

The IAP is registered under the Data Protection Act (1998) and will treat all personal information as private and confidential.

The IAP also considers appeals against TfL's decision to withdraw concessionary travel due to a breach of the Behaviour Code.

TfL is bound by the decision of the IAP. In this respect, TfL may be required by the IAP to reinstate Zip concessionary travel and/or provide a free replacement Zip Oyster photocard.

## 5.7.2 Membership

The IAP is comprised of three persons of suitable standing and relevant expertise for the task. They are wholly independent from TfL, its subsidiaries, contractors, operators and providers.

The IAP members are appointed by TfL in consultation with London TravelWatch and may have to commit to between 12-15 days per year.

One of the three IAP members performs the role of Chairperson. The individual performing the role of Chairperson is specifically appointed to that role by TfL. The role of the Chairperson is to



direct the proceedings at an IAP hearing and to take principal responsibility for the decisions of the IAP.

An additional reserve IAP member is appointed by TfL to ensure that hearings can be arranged as frequently as required.

The Chairperson may make recommendations to TfL in the appointment of other IAP members.

To avoid conflict of interest, London TravelWatch cannot have a role on the IAP.

### 5.7.3 Professional and Administrative Support

The IAP receives all written documents, case papers and summary papers from TfL.

A Secretary to the IAP, employed by TfL, attends all IAP meetings to take minutes, provide the members with all necessary papers and information and subsequently notify the appellants of the results of the deliberations.

TfL personnel may attend to support the IAP and provide professional and technical advice. These personnel and the Secretary to the IAP have no active role in the decision-making process.

The Appeals and Prosecutions Manager keeps IAP members informed of any changes in working practice or procedure and provides any additional documentation in this respect.

### 5.7.4 Quorum

The IAP will be quorate where three members (excluding the Secretary) are present.

However, in the event that one IAP member is unable to attend due to unforeseen circumstances, the IAP may be considered quorate if the absent member has fully reviewed the cases in advance and their written comments have been provided to the Chairperson for consideration.

In all other scenarios, the Chairperson and TfL will reschedule the meeting for an alternative date.



In the event that the Chairperson or any other member of the IAP becomes permanently unavailable TfL would consult with London TravelWatch to appoint a replacement.

Where the chairperson is unable to participate due to illness or other unavoidable circumstances, an ordinary IAP member may be selected by TfL to undertake the role of Chairperson at any one meeting.

## 5.7.5 Frequency of Meetings

TfL provide suitable accommodation for IAP meetings in a Central London venue.

The date and time of IAP meetings are agreed between all members and TfL.

The IAP will normally consider no more than 25 cases at a time.

The frequency of meetings is dictated by the volume of appeals received. The IAP normally meets at least once a month with a view to ensuring that appeals are considered in a timely manner.

## 5.7.6 Process and Procedures

Appeals to the IAP must be made in writing to the Secretary of the IAP stating the grounds for the appeal. Appeals must be received before the deadline specified in the letter informing the appellant of the decision to turn down their second stage appeal. Any additional information submitted after an original submission has been made will not normally be considered.

The IAP considers all cases where appellants want their case to proceed regardless of the circumstances of the withdrawal of concession. The only exception to this rule is cases where the appeal has been received after the deadline. In these circumstances the IAP will not consider the appeal. The Secretary to the IAP will write directly to the appellant informing them of the decision to reject their appeal as being out of time.

## 5.7.7 Decision making

The IAP only considers appeals that have been reviewed through the first and second appeals stages.



If any member of the IAP believes, from the information provided, that they have personal knowledge of the individual, they must declare this to the Chairperson. The Chairperson will then decide whether or not to replace the individual or make a decision without their active participation in the decision-making process.

Decisions are made following consideration of all the evidence and recorded at the end of the meeting by the Secretary to the IAP.

The Chairperson will ensure consistency in panel decision-making across all meetings.

No decision may be made by the IAP simply on the grounds that an otherwise correct and legally sound procedure or process is simply unreasonable. The IAP must work within the relevant TfL regulations, policy and processes.

The IAP only considers material factors and attributes appropriate weight to the claim(s) of the appellant.

Any decision must take the following into account:

- the principles adopted by the TfL operators
- the legal requirements, conditions of carriage and associated regulations
- precedence from previous cases

Appeals will only be upheld if TfL have failed to follow due process or exercise appropriate discretion. This may be due to evidence that was available at the time or evidence that has come to light as part of the appeals process. In this respect, it may be that concessionary travel was correctly withdrawn at the time, but consequent information has deemed it suitable for the appeal to be upheld.

The IAP has no powers to make financial awards to appellants.

The IAP can raise issues related to legal matters, conditions of carriage and associated regulations to be pursued independently by TfL. The IAP can also request legal advice from TfL General Counsel if unable to make a clear judgment or decision.



The Chairperson responds to all post-IAP appeal letters through the Secretary. The Chairperson has no power to reverse any decision previously agreed by the IAP.

## 5.7.8 Communications and Reporting

The Secretary to the IAP is required to confirm receipt of every third stage appeal in writing to the appellant. The Secretary is also required to inform the appellant of the IAP's decision within one week of the meeting taking place.

The Secretary provides a case summary for each file and takes minutes of the outcome of every decision. A copy of the minutes is circulated to the IAP and relevant stakeholders in TfL.

The Chairperson compiles a summary of the cases to be heard at each meeting and on the day will note on the summary the IAP's decision in each case adding additional explanatory comments as necessary. This final summary is provided to the Secretary for use as the basis for a response to appellants, for information in the minutes and other official reporting.

The identity of the members of the IAP will remain confidential and only released subject to permission of each individual member.

Media contact will be handled in compliance with TfL's communications policy.

## 5.7.9 Payment

Use of the IAP is free to appellants. The Chairperson and IAP members receive a modest fee for their services at each meeting to cover their attendance time, pre-consideration time and travel expenses.

## 5.7.10 Review

The membership, operation and remit of the IAP will be reviewed on an annual basis by the Appeals and Prosecutions Manager in consultation with London TravelWatch.



## 6. Ownership and Review

### 6.1 Policy Owner

This policy is sponsored and owned by the TfL Director of CPOS.

This policy will reside with the following TfL official who is responsible for responding to all policy related queries in the first instance:

- Appeals and Prosecutions Manager (IAP)  
Transport for London  
9G3 Palestra  
197 Blackfriars Road  
London SE1 8NJ

### 6.2 Policy Review

This policy will be reviewed periodically to reflect any changes in the law, regulations, Byelaws, or any TfL policies in effect at the time. Any amendments will be reflected in the policy and published as appropriate.

TfL will publish a copy of this policy on its official website and will provide a copy on request in appropriate cases.