

John Larkinson
Chief Executive



Chris Heaton-Harris MP
Minister of State for Transport

[by e-mail only]

16 September 2020

Dear Chris

Improving the accessibility of rail replacement services during disruption

As you are aware, ORR has been conducting a review of the requirements placed on train operators in relation to providing accessible rail replacement services. Today ORR has published new and updated Accessible Travel Policy (ATP) Guidance¹ (the Guidance) requirements for train operators that run rail replacement services during disruption. The purpose of this letter is to update you on the changes made, and to highlight consultation responses from stakeholders which suggest wider non-regulatory reform may also be needed to incentivise greater availability of accessible vehicles.

ORR's new and updated requirements

Our guiding principle throughout this review has been to advance equality of opportunity for people that rely on accessible buses and coaches to travel during rail disruption, ensure train operators continue to take a flexible approach to the provision of alternative accessible travel and avoid a reduction in journey opportunities for the travelling public when engineering works take place. The new ATP requirements:

¹ <https://www.orr.gov.uk/media/10955>

- reflect the legal advice we published in February this year by setting out in the Guidance that, with limited exceptions, rail replacement bus and coach services must comply with the Public Service Vehicle Accessibility Regulations (PSVAR);
- introduce new rules on operators to take appropriate steps to secure accessible rail replacement services via contract tenders to maximise the use of available accessible vehicles, in particular during planned engineering works;
- ensure passengers know where accessible buses and coaches will be operated, by updating the obligations on operators to proactively provide information to passengers when there is disruption; and
- reinforce our requirement that, where needed, passengers are offered an appropriate alternative arrangement, including alternative accessible transport and requiring that waiting times for accessible taxis during planned disruption are similar to waiting times for rail replacement buses and coaches.

They take immediate effect. We have asked train operators to update their ATPs by 30 November 2020

Alongside revised Guidance for train and station operators, ORR has published an assessment of the impacts of the changes we have made, and a formal ORR response to our consultation '*Accessible Travel Policy Guidance - accessibility of rail replacement services*': <https://www.orr.gov.uk/search-consultations/consultation-accessible-travel-policy-guidance-accessibility-rail-replacement>

Today's publications are the culmination of a significant amount of work ORR has undertaken over the last 12 months: to understand the challenge of providing accessible rail replacement services; and to develop a proportionate approach to improving the experience of disruption for disabled and older passengers and those that require assistance.

Assistance reliability safeguarding measures

In addition to the measures outlined above, the new and updated Guidance also offered us the opportunity to set the details of the passenger assistance handover protocol for staff that operators have committed to implementing in their ATPs. Its purpose is to improve the reliability of the assistance operators provide. This follows a successful trial on the Govia Thameslink Railway network of measures to ensure a member of station staff is available to provide alighting assistance before boarding the passenger, and that relevant information critical to the delivery of the assistance is passed reliably from the passenger's boarding station to the alighting station. The protocol has been included in the revised Guidance for implementation at the earliest opportunity.

Monitoring

We will be undertaking monitoring this autumn in support of your granting of special authorisations under the Equality Act to bus and coach operators. This will provide us with data on rail replacement bus and coach PSVAR compliance, accessible alternative transport used and complaints received by train operators where the alternatives provided have fallen short of expectations of safety, comfort and timing. From April 2021, we intend to monitor these areas routinely as part of our standard compliance monitoring activity onwards and publish this data.

When passenger assist numbers return to sufficient levels, we will also use our regular passenger surveys² to provide us with data on the experience of assisted passengers during disruption and those that travel by alternative accessible transport.

In addition, we have made good progress in discussions with the Driver and Vehicle Standards Agency (DVSA) on a potential Memorandum of Understanding to clarify and strengthen our respective monitoring and compliance activities, and ensure a coherent approach is undertaken in this area.

Stakeholder views

We received 49 responses to our public consultation, and had wide-ranging engagement with a range of stakeholders, including DfT, DVSA, Disabled Persons Transport Advisory Committee (DPTAC), and the Equality and Human Rights Commission. Whilst we did not seek comment on legislative changes and the funding of public transport improvements, which are a matter for UK Government and devolved administrations, in responses and in our ongoing discussions, stakeholders across the board focussed on this area. In particular, they expressed to us that changes to legislation, alongside new sources of funding, are needed to incentivise greater availability of accessible vehicles for use in rail replacement, home to school transport and leisure trips.

We also received responses to our consultation which are more suitable for wider industry consideration. Therefore, today I have written to Andrew Haines, CEO of Network Rail, and Paul Plummer, CEO of the Rail Delivery Group, setting out a range of additional proposals and suggestions from respondents for further improvements as well as our proposal for an industry forum to help identify and better manage the availability and use of PSVAR-compliant vehicles at times of high demand. I have attached a copy of this letter.

² <https://www.orr.gov.uk/monitoring-regulation/rail/passengers/passenger-assistance/research>



Next steps

ORR remains committed to our vision of an accessible rail network for all passengers. We will keep the Department informed on our progress to agree a MoU with DVSA, and will share the results of our monitoring of train operators' performance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Larkinson', written in a cursive style.

John Larkinson
Chief Executive