

## ORR activities and equality information

The Office of Rail and Road (**ORR**) is the independent safety and economic regulator of the railways in Great Britain and, since 2015, the economic monitor of Highways England.

As a public body, ORR has duties under the 2010 Equalities Act. This table contains a non-exhaustive outline of the elements of our work that may affect group of people sharing protected characteristics, and how ORR takes the three arms of the general equality duty into account.

ORR's primary roles are as health and safety regulator for the whole railway industry, and as economic regulator of Network Rail (the monopoly owner and operator of the national rail network). This includes setting the terms on which train operators use the network and other essential facilities. We also have competition powers for the rail sector and limited powers under consumer law. In addition, we have economic regulatory functions in relation to railways in Northern Ireland and for the northern half of the Channel Tunnel.

Most regulation of train operators, including of fares and service quality, is by government through franchise contracts, but ORR is responsible for setting and enforcing licence conditions on operators relating to complaints handling and protection for disabled passengers. Decisions on the level of funding for the railways are for government, and ORR works closely with the Department for Transport and Transport Scotland. We also work with other agencies and organisations – the Rail Safety and Standards Board and the Rail Accident Investigation Branch are just two of the stakeholders that support, inform, and help to implement the work of ORR.

The following table focuses on the direct responsibilities of ORR, but indicates key interfaces with other organisations where appropriate. The table is a non-exhaustive outline of ORR activities where EA2010 applies.

- Protected characteristics are – age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic or national origins, colour and nationality), religion or belief (including lack of belief), sex and sexual orientation.
- The three arms of the general equality duty are (1) eliminate unlawful discrimination (2) advance equality of opportunity (3) foster good relations.

The description of how ORR exercises its duties under the equalities act is organised by function, rather than by reference to regulated entity. It should be noted that ORR's safety duties apply to all rail networks, including mainline, underground, heritage, light rail and metro.

ORR's relevant economic and consumer functions apply to the mainline network, highspeed lines, channel tunnel and Northern Ireland, unless indicated otherwise in the text.

Specific function / work area	Relevance	How is the function exercised with regard to ORR's duties under the Equality Act.	How do we evidence/record the exercise of this function to show consideration?	Further information. Owner (not for publication)
<p><b>Disabled Passenger Protection Policies (DPPPs)</b></p> <p>Setting and enforcing licence requirements for operators to develop, publish, maintain and comply with DPPPs</p>	<p><b>This function is of specific relevance to Disability, and other protected characteristics that may involve reduced mobility.</b></p> <p><b>Eliminating unlawful discrimination:</b> Making sure that DPPPs comply with the requirements of the DPPP guidance, and ensuring the operators are fulfilling the commitments set out in those DPPPs</p> <p>Ensuring station operators comply with the joint 'Code of Practice': Design Standards for Accessible Stations</p> <p><b>Advance equality of opportunity:</b> the objective of DPPPs is to protect the interests of people with disabilities that use the railways.</p>	<p>ORR sets and enforces the requirements of operator licences. One such condition is for train and station operators to establish and comply with a disabled people's protection policy (DPPP). This sets out the arrangements and assistance that an operator will provide to protect the interests of disabled people using its services. We approve these policies and monitor compliance with them.</p> <p>We also investigate reports of operators not complying with the Code of Practice and, if necessary, take action</p> <p>We have consulted on improvements to assisted travel, following the publication of research into passengers' awareness and experience of the service. We are now planning a programme of work to revise the DPPP Guidance in light of the responses received. We will consult on this revised guidance later in the year</p>	<p>We publish the 2009 DfT guidance on the requirements for a DPPP. The revised DPPP guidance will be subject to an Equality Impact Assessment.</p> <p>For approval, we publish our decision letters, summarising any issues that were raised during the process, noting areas of good practice and shortfall.</p> <p>We monitor compliance with DPPPs through our core data work, as well as via bespoke research, and publish the results in our <a href="#">annual consumer report</a>. In 2017 we published in-depth research on accessibility and assistance.</p> <ul style="list-style-type: none"> <li>- a survey of passengers who booked assistance.</li> <li>- a mystery shopper exercise of unbooked assistance.</li> <li>- a survey of passengers with disabilities, to gauge awareness</li> <li>- in-depth interviews with passengers, staff and industry leaders</li> </ul> <p>This has established an evidence base to prioritise and target interventions.</p> <p>Our revised guidance will be subject to an Equalities Impact Assessment.</p>	<p>Information for passengers with disabilities on the types of services they can expect to receive when travelling by train is available on our website in our <a href="#">passengers with disabilities</a> page.</p> <p>Information for train and station operators on our role in <a href="#">approving and monitoring policies</a> is also available.</p> <p>The consultation on improving assisted travel, and supporting research, <a href="#">can be found on our website</a>.</p>

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<p><b>Complaints Handling Procedures</b></p> <p>Setting and enforcing the licence requirement for train and station operators to establish and comply with a procedure for handling complaints.</p> <p>ORR sets requirements for these policies, approves them, and monitors compliance.</p>	<p><b>Disability, age, pregnancy and maternity</b> are protected characteristics with particular relevance to mobility, transport and rail.</p> <p>Passengers with <b>other protected characteristics</b> may have a complaint regarding their treatment</p> <p><b>Eliminating unlawful discrimination:</b> Passengers may make complaints with regard to how they have been treated as someone with a protected characteristic.</p>	<p>ORR has worked closely with stakeholders to establish a consistent reporting procedure for passenger complaints relating to discrimination and harassment.</p> <p>ORR publishes data on passenger complaints handling, including information on complaints relating to accessibility.</p>	<p>National Rail Portal records type of complaints received by operator, including 10 categories related to accessibility.</p> <p>Measuring Up report shows data on accessibility complaints, by operator.</p>	<p><a href="#">Complaints handling web-page</a>, including information for passengers and operators</p> <p><a href="#">Complaints data</a>, including guidance for operators.</p>

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<p><b>Enforcement</b></p> <p>Duties under the Health and Safety at Work Act (HSW 1974)</p>	<p><b>Disability, age, pregnancy and maternity</b> are characteristics, related to mobility, with particular relevance to safety risk levels.</p> <p><b>Eliminating discrimination:</b> Safety considerations and practices should give due regard to groups with protected characteristics.</p> <p><b>Promoting equality:</b> The railway should be safe for groups with protected characteristics to use.</p>	<p>The specific circumstances of workers and rail users with protected characteristics are reflected where appropriate eg: use of barrow crossings by wheelchair users, prams etc.</p> <p>Enforcement principles, and Enforcement Management Model, will be revised to reflect the effect of protected characteristics on safety risk, where appropriate.</p> <p>Investigation decisions give due regard to the effect upon groups sharing protected characteristics.</p>	<p>Selection of stakeholder consultees and taking into account responses, on new and existing policies and procedures.</p> <p>Recording how we take equality into account when developing policies and applying guidance in individual cases.</p> <p>Improvement notices, prohibition notices and prosecutions will refer, where relevant.</p> <p>Annual health and safety report provides information on accessibility-related work.</p>	<p><a href="#">Webpage</a> on ORR's enforcement of rail vehicle accessibility legislation.</p> <p>Annual health and safety report. (<a href="#">Link</a>)</p>

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<p><b>Accident and investigation</b></p>	<p><b>Disability, age, pregnancy and maternity</b> are characteristics with particular relevance to safety risk levels.</p> <p><b>Eliminating discrimination:</b> Inspections and audits should give due regard to the needs of groups that share protected characteristics</p>	<p>Follow up recommendations from Railway Accident Investigation Branch.</p>	<p>Equality analysis included when following up recommendations and as action is taken, if appropriate.</p>	<p><a href="#">Webpage</a></p>

<p><b>Guidance and research</b></p> <p>Duties under the Health and Safety at Work Act (HSW 1974)</p>	<p><b>Disability, age, pregnancy and maternity</b> are characteristics with particular relevance to safety risk levels.</p> <p><b>Eliminating discrimination:</b> ORR guidance and research should give due regard to the needs and views of groups that share protected characteristics</p> <p><b>Promoting equality:</b> Groups sharing protected characteristics should have the opportunity for input and feedback on guidance and research.</p> <p><b>Fostering good relations:</b> Guidance should explicitly justify any recommendations, and disproportionate practices, to counter any 'special treatment' argument. Similarly, representative groups should be assured that their views have been taken into account, particularly if representations have been outweighed by other concerns in final policy decisions.</p>	<p>Publication of guidance, consultations and research.</p> <p>ORR convenes a panel of consumer experts, which has access to expertise on disability-related issues from the Disabled Passengers Transport Advisory Committee</p> <p>ORR seeks input on policy consultations from groups representing people with protected characteristics, and liaises where appropriate with the Disabled Passenger Transport Advisory Committee.</p>	<p>Explicit early references when developing policies and procedures.</p> <p>Equality analysis and impact assessments to identify any areas of concern where appropriate.</p> <p>(Level crossings publication (2011) refers to users with reduced mobility.</p> <p>Driver Controlled Operation policy guidance refers).</p>	<p>Health and safety strategy <a href="#">webpage</a></p> <p>DPTAC <a href="#">website</a></p>
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<p><b>Inspections and audits</b></p> <p>Duties under the Health and Safety at Work Act (HSW 1974)</p>	<p><b>Disability, age, pregnancy and maternity</b> are characteristics that may have particular relevance to safety risk levels.</p> <p><b>Eliminating discrimination:</b> Inspections and audits give due regard to the needs of groups that share protected characteristics</p>	<p>Inspection procedure and practice pays explicit attention to the safety of groups sharing protected characteristics.</p> <p>Audit of duty-holder safety procedures gives due regard to impact on groups that share protected characteristics.</p> <p>Assurance of risk assessment procedures to ensure that groups with protected characteristics are included.</p>	<p>Concerns are recorded within case-management system where relevant, and acted upon where appropriate.</p> <p>Any systemic concerns are reported in Annual Health and Safety report, and raised with industry via RIHSAC</p>	<p>Railway Industry Health and Safety Advisory Committee <a href="#">webpage</a></p> <p>Health and safety strategy <a href="#">webpage</a></p>

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<p><b>Safety certification</b></p>	<p>People with <b>all protected characteristics</b> may seek safety certificates / authorisations.</p> <p><b>Eliminating discrimination, promoting equality:</b> Important to ensure that regulation and certification do not unduly discriminate against groups sharing protected characteristics.</p> <p><b>Fostering good relations:</b> Important to explain lawful discrimination.</p>	<p>Certificates and authorisations are issued in accordance with ROGS guidance.</p> <p>Explain and justify any lawful discrimination as required (eg: colour-blindness for train drivers)</p>	<p>Specific references included in guidance. (Strategic Risk Chapter 12 refers)</p> <p>Equality analysis guidance included in regulatory impact assessments.</p>	<p><a href="#">Webpage</a></p>

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<p><b>Train driver licensing</b></p>	<p>Relevant to people with all protected characteristics that want to become train drivers. <b>Race, age, and sex</b> may be of particular relevance.</p> <p><b>Eliminate discrimination:</b> Important to ensure that people with characteristics are not subject to unlawful discrimination.</p> <p><b>Fostering good relations:</b> Ensure that lawful discrimination is justified, where appropriate.</p>	<p>ORR is responsible for issuing licences to drivers and keeping the national register of licences. We inspect and monitor train operators' arrangements for training, competence management and fitness of drivers, and ensure that these do not discriminate unlawfully.</p>	<p>Guidance issued and records of decisions and appeals kept (not published).</p> <p>We have recently clarified our guidance on how we deal with absence from driving due to maternity leave</p>	<p><a href="#">Webpage</a> on ORR's train driver licensing</p>

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<p><b>Technical specifications on interoperability (TSI) and Rail Vehicle Access Regulations</b></p>	<p><b>Disability, age, pregnancy and maternity</b> are characteristics with particular relevance to requirements under the Persons with Reduced Mobility (PRM) TSI</p> <p><b>Eliminating discrimination, promoting equality:</b> Work to remove or minimise disadvantages and meet needs of people sharing protected characteristics where these are different (eg: train design).</p>	<p>Influence TSI formulation to ensure that due regard is given to groups with protected characteristics.</p> <p>Proactive monitoring and assurance of compliance with TSI and RVAR, making sure vehicles are accessible in compliance with the law, by ORR staff.</p> <p>Accurate and timely advice given on exemptions.</p>	<p>Publication of how needs of protected groups have been taken into account in formulation of TSIs. (see <a href="#">ERA website</a>)</p> <p>We retain evidence for decisions on authorisations. DfT keep information on exemption decisions.</p>	<p><a href="#">Webpage</a> on ORR's enforcement of rail vehicle accessibility legislation.</p> <p><a href="#">Webpage</a> on TSI authorisation process.</p> <p>ERA <a href="#">webpage</a> on TSI requirements</p>

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<p><b>Network Rail regulation</b> – Land disposal</p>	<p><b>Disability and age</b> may be of particular relevance, from time to time.</p> <p><b>Promoting equality of opportunity.</b> Land disposals may have an effect upon pre-existing facilities, eg: disabled parking.</p>	<p>When Network Rail refers a disposal to us for consent, it must provide a description of the proposals plus evidence of stakeholders' views and final positions together with any commentary on them.</p> <p>For every submission we expect Network Rail to consult the relevant stakeholders depending on the geographical location of the proposed disposal. It is expected that passenger representative organisations will represent the overall comments or views of individuals using the railways when giving their views to Network Rail.</p>	<p>Our published land disposal guidance refers to EA2010 duties.</p> <p>We scan for Equalities Act issues arising in casework. Where found, we record them in our casework notes, consider the associated views, issues and impacts and have regard to them in reaching a decision.</p> <p>All land disposal casework is filed electronically in "Box" our corporate cloud-based storage and retrieval system.</p>	<p><a href="#">Webpage</a> on land disposal</p>

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<p><b>Network Rail regulation: Periodic Review</b></p> <p>Railways Act</p>	<p><b>Disability and age</b> are characteristics with a particular relevance to mobility and access.</p> <p><b>Promoting equality of opportunity</b> The price control includes funding specifically intended for use in access initiatives.</p>	<p>The Department for Transport decides the scope and amount of Access for All funding. ORR is responsible for ensuring that the work is delivered, effectively and efficiently.</p>	<p>Evaluation of Network Rail's performance and expenditure is included within the NR monitor.</p> <p>ORR attend periodic Programme Boards with NR, DfT and TS to monitor governance of the Access For All (AfA) ring-fenced fund. Any issues would be reported in the NR monitor, however there have been no issues to report nor any regulated milestones in CP5.</p> <p>An AfA fund is expected to be set for CP6 and ORR's monitoring will continue as in CP5.</p>	<p>Access for all <a href="#">website</a> (DfT)</p> <p>Access For all <a href="#">website</a> with map of schemes (NR)</p>

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<p>Consumer law functions</p> <p>- enforcement under Part 8 of the Enterprise Act</p>	<p>Eliminating discrimination and promoting Arm 1, 2 &amp; 3: Important that consumer law enforcement gives due regard to the Equality Act 2010.</p>	<p>Part 8 of the EA02 can be used only where an infringement harms the collective interests of consumers. The breach must affect, or have the potential to affect, consumers generally or a group of consumers – this can include a group with certain shared characteristics, such as age or disability.</p>	<p>In exercising our consumer enforcement function, we will have regard to those impacted by the offending act or behaviour.</p> <p>Relevant evidence taken into into consideration will be recorded within our corporate decision-making documents.</p>	<p><a href="#">Webpage</a></p>