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Transport Committee  
7 Millbank  
House of Commons  
London  
SW1P 3JA

Dear Sir,

Thank you for the opportunity to provide evidence to your inquiry into the effectiveness of legislation relating to transport for disabled people. The Office of Rail Regulation (ORR) is the independent economic and safety regulator for Great Britain. We aim to promote continuous improvement in safety, performance and efficiency of the railways so that it better meets the needs of users (including passengers) and taxpayers. Within this broad role, ORR enforces several pieces of legislation which aim to facilitate better access to rail services for people with disabilities and we have a corporate objective to have a sharper focus on the needs of all customers.

In particular, we would like to highlight the following responsibilities which are relevant to your inquiry:

**Periodic Review**

Protecting the interests of passengers is an important part of our objective for our 2013 periodic review (PR13) which will decide what Network Rail must deliver in the period 2014-19 and how much funding it should receive.

We are currently reviewing Network Rail's strategic business plan (SBP) which is a key input into the decisions we will take on PR13. One of the purposes of the SBP is to set out how Network Rail proposes to deliver the high-level outputs sought by the Secretary of State for Transport for the period 2014-19. As part of the PR13 process, in July 2012, the then Secretary of State stated in her high-level output statement that she wished to make available up to £100m over 2014-19 to fund 'Access for All' measures to provide easier access for older or disabled passengers and those with small children. ORR will play an important role in ensuring that this funding is used efficiently by the rail industry to deliver improvements for disabled and other passengers.



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In February 2013, we are meeting with representatives from the Disabled Persons Transport Advisory Committee (DPTAC), Passenger Focus and London TravelWatch to discuss and understand their views on the strategic business plan.

## **Passenger and Station Licences**

All passenger train and station operators are required to hold an operating licence issued by ORR, or in some cases the Secretary of State for Transport. As standard, these licences include a condition *Provision of Services for Disabled Passengers*, which requires each operator to establish and comply with a *Disabled People's Protection Policy* (DPPP). This is a statement of policy and a detailed body of arrangements, procedures, services and other benefits to be implemented or provided by the licence holder which are designed to protect the interests of people who are disabled. This is a long standing condition but it has been reinforced by European rules (including the Passenger Rights and Obligations Regulations (EC) No. 1371/2007).

DPPPs and changes to them are currently subject to the approval of the Secretary of State, who may also direct a review of an operator's DPPP.

In establishing its DPPP and making any changes to it, an operator must have regard to a code of practice published by the Secretary of State under section 71B of the Railways Act 1993. The current code is called "Accessible Train Station Design for Disabled People: A Code of Practice". It identifies standards for passenger train and station operators that operators must follow whenever they install, renew, or replace infrastructure or facilities. It also provides advice and recommendations of good practice for all operators to provide greater opportunity to travel for, and further enhance the experience of, disabled people using the railways.

Where an operator cannot meet the standards in the code of practice in a specific instance, it must apply to the DfT for a dispensation for that instance.

The Association of Train Operating Companies (ATOC) last year launched a 'Passenger Assist' service (formerly the 'Assisted Passenger Reservation Service'). This is an example of a scheme reflecting a common element in all operators' DPPPs. This facility allows rail passengers to book assistance from train operators to complete their journeys.

Currently, compliance with DPPPs is monitored by the Department for Transport (DfT), and consumer groups such as Passenger Focus also conduct their own research and surveys. ORR could consider enforcement action if any operator breached its licence condition. We are unlikely to intervene in respect of isolated complaints but if we become aware of a serious or systemic issue of non-compliance we could undertake an investigation. We would normally expect to take advice from the DfT.



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Together with the DfT, we have sought views, by public consultation, on ORR becoming responsible all aspects of approving, monitoring, and enforcing compliance with train operators' DPPP's. DfT would remain responsible for producing the overall code of practice. We and DfT are still considering whether to make the change, which we believe would have significant benefits in simplifying responsibilities between ORR and DfT.

### **Rail Vehicle Accessibility**

ORR is responsible for the enforcement of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 and the Persons of Reduced Mobility Technical Specification for Interoperability (PRM TSI). Both of these contain requirements for vehicles, and the PRM TSI – part of the European suite of standards applicable to the most recently introduced main line passenger trains – also applies to stations. ORR follows up issues identified by staff when travelling or reported by members of the public. These matters are investigated and raised with the responsible railway companies to seek an effective resolution in a reasonable time scale.

The principal shortcomings dealt with recently have related to the provision of both audible and visible passenger information on board trains. As a result, several operators have taken steps to improve their arrangements in this area. This is an example of compliance with the requirements of accessibility legislation bringing benefits to all users of the railway as the provision of accessible passenger information is of benefit to all users of the railway. ORR has also looked into other areas such as compliance with the legal requirements for wheelchair ramps and doorway handrails.

In considering accessibility, should inequality in the treatment of people with protected characteristics be identified that is not addressed by the legislation that ORR enforces then the duty-holder (train or railway station operator) can be made aware of its relevant duties under the Equality Act, as part of ORR's wider duty under that Act to promote equality.

### **General Consumer law**

ORR is a designated enforcer under Part 8 of the Enterprise Act 2002. As such, ORR has the power to take enforcement action in relation to breaches of certain consumer protection legislation<sup>1</sup>. One of the key pieces of this is the Consumer Protection from Unfair Trading Regulations 2008, which prohibit unfair and misleading commercial practices.

Part 8 applies only to infringements which harm the collective interests of consumers. A breach must affect, or have the potential to affect, consumers generally or a group of consumers (including groups of disabled passengers). As a

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<sup>1</sup> [http://www.rail-reg.gov.uk/upload/pdf/guidance\\_on\\_our\\_consumer\\_law\\_role\\_310310.pdf](http://www.rail-reg.gov.uk/upload/pdf/guidance_on_our_consumer_law_role_310310.pdf)



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designated enforcer under Part 8 of the Act, we may apply to the courts for an Enforcement Order to stop a business from breaching the relevant consumer law

## **Equality Act**

As a public body, ORR has statutory duties under section 149 of the Equality Act - the general equality duty. We must have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations.

There are many areas of our work with relevance to these three 'arms' of the general equality duty. We have conducted a review<sup>2</sup> of the different workstreams across the office to ensure clarity on what we are already doing, and to see if there are appropriate and proportionate ways for us to do more. An in-house training programme has been developed to give guidance on the Equality Act's implications, and what ORR staff (particularly visiting staff) can do if and when they have concerns in this area.

Following an external consultation, we have also developed equality objectives<sup>3</sup>. These are specific pieces of work that we will be striving towards, and reporting on in our annual report.

## **Conclusion**

Overall, we see our powers as important tools to maintain and improve the protections that are afforded to passengers with increased accessibility needs. Our 2013 -14 business plan consultation<sup>4</sup> reflects the importance we place on such issues, with one of our priorities being to implement our duties under the Equality Act to improve the accessibility of the railway for disabled people.

We also note that DfT has recently consulted on the future of DPTAC. In our response to that consultation we set out our views that it is of key importance that a mechanism continues to exist that allows DfT and others, including ORR, to receive good quality advice on the needs of disabled passengers.

If clarification of any of the points made above is required, or we can be of further assistance to the inquiry, please do not hesitate to contact me.

Yours sincerely,

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

**Michael Beswick**

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<sup>2</sup> [http://www.rail-reg.gov.uk/upload/pdf/equality\\_activities\\_table.pdf](http://www.rail-reg.gov.uk/upload/pdf/equality_activities_table.pdf)

<sup>3</sup> <http://www.rail-reg.gov.uk/upload/pdf/orr-equality-objectives.pdf>

<sup>4</sup> [http://www.rail-reg.gov.uk/upload/pdf/business\\_plan\\_consultation\\_jan2013.pdf](http://www.rail-reg.gov.uk/upload/pdf/business_plan_consultation_jan2013.pdf)