



# Equality Information and Objectives 2024

ORR is committed to advancing the aims of the Equality Act 2010, both as an employer and as a regulator. The following pages set out our Equality Objectives for 2024-2028 and our Equality Information, providing an overview of the work we are currently doing across our rail and road responsibilities, as well as external communications and corporate activities.

Both are required under the Public Sector Equality Duty (PSED).

## Our Equality Objectives

1. ORR will continue to ensure that operators take steps to improve the reliability of assistance provided to disabled people and others with reduced mobility.
2. ORR will use its role as sponsor of the Rail Ombudsman to improve the accessibility of the service for users with disabilities and additional support needs.
3. ORR will strive to make all digital content materials as accessible as possible.
4. ORR will make full use of our capability to address the specific needs and challenges faced by individuals with protected characteristics within the framework of health and safety regulations, interoperability standards, and authorisation processes for the rail sectors.

## Decision making

Given the nature of ORR's responsibilities in the sectors we regulate, the primary area of focus for us is on people with reduced mobility, which has relevance to the protected characteristics of disability, age, and pregnancy and maternity. Under section 149 of Equality Act 2010, ORR must give "due regard" to the three aims of the general equality duty within its regulatory decision making.

We consider the potential impact of a decision/policy on groups that share protected characteristics, and record evidence of any Equality Impact Assessment to demonstrate that we

have discharged our Public Sector Equality Duty (PSED) obligations. To ensure we are considering PSED in all our decision making, we have built checks into our Board/committee paper template.

We monitor policy papers going to ORR's executive and regulatory committees and keep a record of the Equality Impact Assessments produced as part of our policy making. To support ORR's policy makers we have internal guidance available, and an Equality Impact Assessment template is available to improve consistency.

Where our regulatory responsibilities relate to different duties defined in licence or legislation, we ensure a joined-up approach to decision making. For example, we have established an 'Accessibility Hub' to coordinate cross-office input into matters relating to accessibility.

## Consumer policy

ORR's work across Consumer Policy is relevant to the protected characteristics of disability, age, and pregnancy and maternity, which all have particular relevance to mobility, transport and rail. Our work also shows due regard to the three aims of the general equality duty. ORR's annual consumer report summarises our broader consumer policy work, much of which comes from our role in setting and enforcing operators' licence requirements.

## Accessible travel for all passengers

We require operators to develop, publish, maintain and comply with Accessible Travel Policies (ATPs). This work contributes to eliminating unlawful discrimination and advancing equality of opportunity.

We require train and station operators to establish and comply with an ATP, and we approve and monitor compliance with these. ATPs must meet the requirements of our ATP guidance. When operators submit ATPs for approval, we will assess against this guidance and publish decision letters which summarise any issues raised during the process.

We also oversee an annual review process to ensure operators' ATPs take any changes into account. Once an ATP is approved, we use monitoring, bespoke research and regular engagement to monitor operator compliance.

Since 2017 this has included an annual survey of satisfaction with passenger assistance, which, alongside other research, establishes an evidence base for interventions. We also carry out ad-hoc

studies, reviews and audits, including of train operator website accessibility, the reliability of lifts at stations and operators' delivery of assistance.

## Passenger complaints to train companies

We require train and station operators to establish and comply with a complaints handling procedure. This work contributes to eliminating unlawful discrimination by ensuring passengers can complain about how they have been treated as someone with a protected characteristic. Furthermore, it contributes to ensuring that all passengers can claim delay compensation, including those with protected characteristics, by requiring the process to be accessible.

Operators' complaints handling procedures must comply with our Complaints Code of Practice. As part of its development we undertook a regulatory impact assessment to consider its potential impact on all passengers.

We collect and monitor data on passenger satisfaction with operators' complaints handling and this includes an option for the passenger to disclose whether they have a disability and whether this had an impact on their experience, which can help us understand if disabled passengers are experiencing different outcomes to non-disabled passengers. We require operators to make appropriate and proportionate provision for passengers who need assistance in engaging with a complaints process.

We require operators to publish information annually on improvements being made, including an assessment of passenger experience of the complaints process – noting their duty under the Equality Act 2010. We review these reports and issue actions or recommendations where appropriate. We have undertaken research into disabled passengers' experiences of complaints handling by operators.

## Delay compensation

We require train operators to comply with the Delay Compensation Code of Practice. This work contributes to ensuring that all passengers are able to claim delay compensation, including those with protected characteristics, by ensuring the process is accessible.

ORR published the Code of Practice, having worked closely with stakeholders in its development. The process also included production of an Equality Impact Assessment. The Code of Practice

requires operators to have claim procedures in place that are accessible to passengers with protected characteristics. It also establishes a reporting procedure for annual updates about improvements, which may include steps taken to improve accessibility. A monitoring framework now includes a self-assessment by operators with their compliance with key qualitative requirements, including the accessibility of the claim process.

## Consumer law

ORR enforce certain consumer protection legislation under Part 8 of the Enterprise Act 2002. Our consumer law enforcement gives due regard to Equality Act 2010, and contributes to eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations.

Part 8 of the Enterprise Act 2002 can be used only where an infringement harms the collective interests of consumers. The breach can affect consumers generally or a group of consumers, and this can include a group sharing certain characteristics, including protected characteristics such as disability, age, or pregnancy and maternity. In exercising our consumer enforcement functions, we will give regard to those impacted by the offending act or behaviour. Any relevant evidence taken into consideration will be recorded within our corporate decision-making documents.

## Sponsorship of the Rail Ombudsman

We require train and station operators to become and remain a member of the relevant alternative dispute resolution scheme. ORR assumed sponsorship of the Rail Ombudsman in November 2023. The Rail Ombudsman can consider and make binding decisions on unresolved complaints between passengers and operators who are members of the Rail Ombudsman scheme.

This work contributes to eliminating unlawful discrimination by ensuring passengers can complain about how they have been treated as someone with a protected characteristic. Furthermore, it contributes to ensuring that all passengers can claim delay compensation, including those with protected characteristics, by requiring the process to be accessible.

ORR has contractualised a range of requirements for the provider of the Rail Ombudsman service, including those relating to accessibility. The service must be fully accessible and seek to improve upon current standards for accessible communication, and the Rail Ombudsman must make best endeavours to ensure that its Board shall include at least one individual with lived experience of

disability.

Evidence of these requirements being met is documented within our contract management plan. Through ongoing contract management of the Rail Ombudsman and associated ORR-commissioned testing and research, we will seek to work with the Rail Ombudsman to enhance the accessibility and usability of its service through continuous improvement plans.

## Station and rolling stock accessibility

ORR's work in monitoring compliance with the required standards is relevant to the protected characteristics of disability, age, and pregnancy and maternity, which all have particular relevance to mobility, transport and rail. Ensuring compliance contributes to eliminating discrimination by removing or minimising disadvantages and meeting the needs of people sharing protected characteristics. It also advances equality of opportunity by enabling people with certain protected characteristics to use the railway.

### Station standards

The Design Standards for Accessible Railway Stations (Station Code) is intended to ensure that any infrastructure work at stations makes railway travel easier for disabled passengers. While Department for Transport and Transport Scotland own and author this, and grant or reject dispensation applications for specific projects, ORR is responsible for monitoring compliance. This is a licence requirement for station operators.

We seek assurance from Network Rail that it has appropriate processes in place to ensure compliance. As part of our routine monitoring of Network Rail renewal projects we will gather information at the appropriate stage of project planning on compliance. We investigate reports of station operators not complying with the Station Code and will take action to ensure compliance. We will contribute to the Department for Transport-led revision of the Station Code.

### Rolling stock standards

ORR has enforcement powers with respect to the technical standards for rail vehicle accessibility defined in the Persons with Reduced Mobility National Technical Specification Notice (PRM NTSN) and the Rail Vehicle Accessibility Regulations (RVAR).

We only grant authorisation where the applicable accessibility standards have been complied with, and we retain evidence of compliance for decisions on authorisations. During engagement with applicants, we promote equality of treatment and draw attention to the potential applicability of Equality Act 2010 to the future use of the subsystem in question. We also undertake reactive monitoring and assurance of compliance with the standards, making sure vehicles are accessible in compliance with the law. We give accurate and timely advice on exemption, deviation, dispensation and derogation processes.

The processes for these modifications to standards fall to other bodies – we are a consultee for Department for Transport's exemption, deviation and derogation processes, although ORR's input is in respect of health and safety implications and the effect on ORR's ability to exercise enforcement powers.

In respect of setting accessibility requirements, ORR has no formal role. Where we need to take a decision relating to compliance with accessibility standards we consult Department for Transport, which in turn may seek the view of the statutory Disabled Persons Transport Advisory Committee (DPTAC). We record this interaction in the authorisation file. We respond to all complaints that relate to matters covered by the accessibility legislation that we enforce using Health and Safety at Work etc Act 1974 powers and use any information provided to establish priorities for follow-up.

## Regulation of Network Rail

ORR's work in this area has the potential to impact all protected characteristics.

## Economic regulation

Funders (Department for Transport and Transport Scotland) decide funding and priorities for Network Rail infrastructure. These priorities may impact people with protected characteristics, and ORR's periodic reviews consider whether Network Rail's plans will deliver against these priorities in an efficient way, and confirm expectations for the five-year funding period.

ORR does not determine whether funders have set the 'right' priorities. We scrutinise and challenge Network Rail's draft business plans and monitor deliver against these. We seek assurance that workplans are compliant with relevant accessibility standards in legislation or licence.

Evaluation of Network Rail's performance and expenditure is included within our routine reporting on Network Rail. We review Network Rail's Strategic Business Plan (at national and regional level) for commitments on accessibility-related outputs, and this includes confirming that the design and budget for enhancements and renewals includes adherence to relevant accessibility standards. The most recent Periodic Review secured commitments from Network Rail on several areas relevant to accessibility, including on lift performance reporting and compliance with the Station Code.

## Access for All funding

ORR sits on the board for the Access for All programme. Access for All contributes to promoting equality of opportunity by ring-fencing Department for Transport funding specifically for accessibility initiatives. Disability, age, and pregnancy and maternity have particular relevance to such projects. ORR's role is to scrutinise whether Network Rail is using Access for All's funds appropriately and achieving the programme's stated objectives, however our role does not include selecting which projects are funded.

The programme board monitors governance of Access for All and any issues are reported in the Network Rail Annual Assessment. The list of stations which received improvements during Control Period 6 is detailed on gov.uk, with some of these stations still in delivery. Stations have been selected for initial feasibility work in Control Period 7 and if successful these will be taken forward to the Access for All programme.

## Land disposal

Network Rail are required to refer a land disposal to ORR for consent. Sometimes these may impact pre-existing facilities (e.g. disabled parking), therefore we must consider our duty to promote equality of opportunity. In such cases, disability, age, and pregnancy and maternity may be relevant. For every submission we expect Network Rail to consult relevant stakeholders, with passenger representative organisations representing the views of individuals using the railways.

Our land disposal guidance refers to our duties under Equality Act 2010. When assessing submissions we will scan for issues relating to equality and record these in our casework notes, consider the associated views, issues and impacts, and have regard to them in reaching a decision. All land disposal casework is stored electronically.

# Railway safety

Disability, age, and pregnancy and maternity are protected characteristics with particular relevance to safety risk levels, applying across ORR's work in this area. Our work also contributes to eliminating discrimination by giving due regard to groups sharing protected characteristics and promoting equality by making the railway safe for groups sharing protected characteristics to use. ORR's annual health and safety report summarises our work across this area.

## Enforcement

The protected characteristics of workers and rail users are taken into account where appropriate. Our Enforcement Management Model and Enforcement Principles also reflect the effect of protected characteristics on safety risk. When developing new policies or procedures, we consider groups with protected characteristics when selecting stakeholder consultees and take their responses into account, recording how this has been done.

Any investigation decisions give due regard to the effect upon groups sharing protected characteristics. We respond to all complaints that relate to matters covered by the accessibility legislation that we enforce using Health and Safety at Work etc Act 1974 powers and follow up breaches of legal requirements. Improvement notices, prohibition notices and prosecutions will refer to equality issues where relevant.

## Accident and investigation

We follow up recommendations from Railway Accident Investigation Branch. When investigating accidents and complaints we take protected characteristics into account if relevant as a reasonable line of inquiry.

Where appropriate, equality analysis will be included when following up recommendations and as action is taken. If relevant, we will record our findings in the investigation report and take action as necessary.



# Guidance and research

This contributes to advancing equality of opportunity by enabling groups sharing protected characteristics to provide input into guidance and research, while also liaising with the Disabled Passenger Transport Advisory Committee (DPTAC). It can also help in fostering good relations by explicitly justifying any recommendations and disproportionate practices to counter any 'special treatment' argument and 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.

When developing policies and procedures equality is considered at an early stage, and we use equality impact assessments to identify any areas of concern where appropriate.

Examples of our published guidance, which reference consideration of groups who share protected characteristics, include:

- Principles for Managing Level Crossing Safety
- Railway Safety Principles on Driver Controlled Operation
- Goal-setting Principles for Railway Health and Safety
- ORR's Health and Safety Crowding Position Statement

# Inspections

Inspection procedure and practice pays explicit attention to the safety of groups sharing protected characteristics, and specifically to the potential impact on them. Assurance of risk assessment procedures ensures that that groups sharing protected characteristics are included.

Where relevant, any concerns are recorded within a case management system and are acted upon where appropriate. Any systemic concerns are reported in an annual health and safety report and raised with industry via the Railway Industry Health and Safety Advisory Committee.

# Safety certification

People with all protected characteristics may seek safety certificates or authorisations. It is important to ensure that regulation and certification do not unduly discriminate against groups

sharing protected characteristics, and this can contribute to eliminating discrimination and promoting equality of opportunity. To help in fostering good relations it is important to explain cases of lawful discrimination.

Certificates and authorisations are issued in accordance with the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS) guidance, which includes specific references to equality. Equality analysis is included in regulatory impact assessments.

## Train driving licences

ORR is responsible for issuing licences to drivers and keeping the national register of licences. This can be relevant to people with all protected characteristics. Our work in this area contributes to eliminating discrimination by ensuring that groups sharing protected characteristics are not subject to unlawful discrimination, and helps in fostering good relations by ensuring any lawful discrimination is justified where appropriate.

As part of this work, we inspect and monitor train operators' arrangements for training, competence management and fitness of drivers, and ensure that these do not discriminate unlawfully. Conditions for the issue of a train driving licence, which are set out in legislation, include specific medical standards (e.g. vision requirements which drivers are examined against by doctors who are registered by ORR).

We issue guidance and keep records of decisions and appeals, but these are not published. We have clarified our guidance on how absence from driving due to maternity leave should be treated when applying the medical requirements of the regulations.

## Highways

Our monitoring of National Highways can affect its delivery and can therefore have an impact on those with the protected characteristics of disability, age and pregnancy and maternity, which have particular relevance to mobility and transport.

Department for Transport sets requirements for National Highways in the Road Investment Strategy, including the performance specification, and the scope and size of ring-fenced funds. The Secretary of State may also issue directions and guidance to National Highways. ORR is responsible for monitoring National Highways' delivery of and compliance with such requirements.

When developing policies, we record how we take equality into account. Read our holding to account policy for more information on our overall approach.

## External communications

Under the Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018 ORR is required to ensure its website and published documents are accessible, to ensure the content is understood by as many people as possible. Disability and age are relevant to this, and it supports in eliminating indirect discrimination.

ORR's external website is managed in line with its published accessibility statement. This was originally prepared in 2019 but is regularly reviewed, most recently in March 2024. The website is periodically tested to ensure it meets required standards and this was also done in March 2024. It is currently partially compliant with the Web Content Accessibility Guidelines version 2.2, with a rating of AA. Alt text is provided on website and social media imagery, while a transcript is available for audio and video content. Captions are also provided on videos.

Staff can refer to internal guidance on producing accessible reports and plain English is encouraged through the ORR style guide. Word and HTML web content templates also facilitate this.

Guidance is available for external suppliers and the requirement to follow this guidance is embedded in procurement contracts.

ORR's digital team undertakes accessibility checks on documents before they are published. Communications staff responsible for the above are also trained in accessible communications.

## Corporate activities

Our actions in this area contribute to eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations, and can relate to all protected characteristics.

## External statutory reporting

We are required by statute to publish protected characteristic information, including on the

gender pay gap, recruitment and the Civil Service People Survey.

Employee data is maintained in ORR's HR system to ensure data creditability when submitting data returns and producing data analysis for internal and external stakeholders. New starters complete a new starter form, and we have now enabled employees to update and declare their information themselves via the HR system. External reports are published on gov.uk.

## Review of People policies

People policies are kept under review to ensure they are fair, transparent and are effective in eliminating unlawful discrimination.

They are reviewed and updated in line with changes in legislation, case law or good practice. We may identify procedures that requires either a separate equality impact assessment or specialist support. Any changes updated and shared on the intranet and communicated to staff where relevant.

## Recruitment and onboarding

We ensure our recruitment process is fair, transparent and meet the three aims of the general equality duty.

This is demonstrated through our approach to reasonable adjustment, selection, data from the pre-employment questionnaire, Occupational Health and use of a workforce adjustment passport. We will act on requests for reasonable adjustment and follow through with internal processes. We report on recruitment diversity data quarterly.

## Organisational benchmarking

ORR has the Disability Confident Employer charter mark and a Bronze Award from Employers Network for Equality & Inclusion for embedding diversity and inclusion. These demonstrate to members of the public, stakeholders, potential job applicants and current employees that we go beyond our corporate obligations in meeting the three aims of the general equality duty outlined above in our recruitment, employment and support for employees. The criteria and action plans for the charter marks and awards help shape and influence the implementation of our Diversity &

Inclusion Strategy and other HR practices.

We receive reports and feedback from external stakeholders confirming that we are meeting the standards expected, enabling us to use the logo in all our internal and external branding.