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Dear Ministers

Effects of modes of train operations on passengers with disabilities.

As you will know, DPTAC has been concerned for some time about the detrimental effects on accessibility that may result from reductions in staffing levels at stations and on trains. In this context we have welcomed the opportunity to comment on early drafts of the work, commissioned by the Department, and being undertaken by the consultants 'Steer', into the effects of different 'modes of operation' on people with disabilities.

We have now had the opportunity to review the final report and draft 'Guidance Note' that have emerged from this work, and remain very concerned about the negative impacts on accessibility that Driver Only Operation ('DOO') seem likely to engender. As such our headline advice is that the results of this work should be used with extreme caution, and that further work is required to develop policies, Franchise Agreements and licensing arrangements that will protect the right of disabled people to use the rail network on a non-discriminatory basis.

Taking the research report first, we are concerned that work undertaken does not adequately disaggregate or analyse the impacts of the different methods of train operation, particularly in relation to DOO trains and the availability of on-train and station staff. Additionally, we have reservations about the methodology used during the study.

Notwithstanding the above points, the research report does, helpfully, set out the key deliverables at each stage of a disabled passenger's journey from arriving at the station, through their on-train experience, to leaving the station at their chosen destination. In doing so, the report identifies a number of crucial areas / challenges, such as:

- operators should take reasonable steps for providing access to the station;
- passengers should be able to board trains safely;
- passengers should be able to alight trains safely; and so on.

The report then correctly identifies that '*Mitigation (is) required if no staff (are) available to assist the passenger*'.

However, the Guidance Note, based on this research, fails to provide such mitigations to anywhere near the extent required. Indeed, it falls so far short that we believe it to be wholly inadequate as currently drafted.

The Guidance Note does, at least, correctly point out the legislative and regulatory framework within which train operators and other industry stakeholders (including the Department) provide services to disabled people, and sets a key 'principle' that '*Disabled passengers have an equal right to travel as other passengers and to this end, all reasonable measures should be deployed to enable disabled passengers to travel*'.

We wholeheartedly agree with this principle. Indeed, it has been the basis of our frequently-stated concern over staffing levels and, in particular, the potentially toxic combination of driver-only operated trains and unstaffed stations.

We had hoped that the work undertaken would address this concern and the Guidance produced would articulate a series of robust, practical mitigations that allowed disabled people to use the rail network on a non-discriminatory basis.

However, the key list of mitigations set out in section 1.5 of the Guidance Note fall a very long way short of this objective. Whilst we welcome the emphasis placed on accurate, up to date information, the importance of staff training, the need for transparency, and the criticality of ensuring that disabled passengers are aware in a timely manner of any changes to accessibility support, these measures alone do not in any sense adequately address the core issue of potentially inadequate staffing levels.

Instead many of the principles (in effect mitigations) identified in section 1.5 of the Guidance Note are little more than re-assertions of the legal right of disabled people to use the rail network on a non-discriminatory basis.

We would not argue with any of these principles, but they do not constitute practical mitigations that can be used by train operators and others. Indeed, as principles, they simply emphasise the need for mitigations to be put in place rather than provide guidance. As such, the work by Steer has, at least, highlighted that where staff are not available either on-board trains or on stations, there are only very limited opportunities to mitigate the resulting detrimental effects on the accessibility of the rail network.

We do not believe that such mitigations are anywhere near sufficient to allow disabled people to travel on a non-discriminatory basis. Indeed, more fundamentally, we would question whether expecting disabled people to make journeys on the rail network where there are neither on-board or station staff to assist them is consistent with the duties of train operators and other stakeholders (including the Department) under the Equality Act.

The availability of staff to provide assistance is crucial to the ability of many disabled passengers (and indeed older passengers more generally) to make rail journeys. The absence of staff will be sufficient to deter many from making rail journeys at all, whilst for others it will necessitate the need to pre-book assistance, and for some the need to use an accessible taxi to reach a station where boarding assistance can be provided.

This potentially undermines the good progress (and very substantial investment) that has been made in recent years in making the rail network more accessible. The increasing number of stations with step-free access and widespread availability of accessible rolling stock has made the possibility of 'turn up and go' travel by many more disabled people a real possibility (and this is set to increase with the roll-out of 'Pay As You Go'). This major step forward in the accessibility of the rail network is potentially completely undermined on those routes where there are neither station nor on-board staff to assist disabled passengers.

In conclusion, our advice is that the research and Guidance Note fall very considerably short of articulating measures that mitigate the potentially very negative consequences of driver-only operation, when combined with unstaffed stations; a toxic combination for many disabled people that excludes them from using the rail network. As such we would strongly counsel that:

(1) The government should take legal advice on the extent to which policies, Franchise Agreements and licensing arrangements that potentially result in disabled people having to make journeys on the rail network where no staff are available to provide assistance either at stations or on-train, is consistent with the legal duties of train operators and other stakeholders (including the Department) under the Equality Act, and other elements of the legal and regulatory framework;

(2) The Department should undertake a more fundamental review in this area, with a view to ensuring that disabled passengers are able to use the rail network on a non-discriminatory basis. This could perhaps form a specific strand of work within the Review currently being undertaken by Keith Williams.

We would welcome the opportunity to discuss this in greater detail.

Yours sincerely



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