

Conrad Bailey
Director General, Rail Strategy and
Services
Department for Transport

From: Jackie Killeen,
Chief Regulator, EHRC

By email only

**CC: John Larkinson, Chief
Executive, Office of Rail and Road**

13th Dec 22

Dear Mr Bailey,

Accessible Rail Services

The Equality and Human Rights Commission has a long-standing commitment to improving access to transport for disabled people.

For many people, public transport provides an essential, and sometimes the only, means of accessing health care or education or getting to work. It is a critical gateway to opportunity and an important component of the Government's own levelling up strategies. It is therefore concerning that we are receiving widespread reports that changes to how some rail services operate are making rail travel more inaccessible.

One particular ground of complaint relates to changes in staffing arrangements at stations and on trains, with allegations that operators are unable to anticipate and provide reasonable adjustments for disabled travelers as required by the Equality Act 2010. This includes rail services that are under contractual obligation via a National Rail Contract with the Secretary of State for Transport.

There is a risk that small changes to existing services may have a cumulative

negative impact on older and disabled passengers, making rail travel too difficult or risky for them. Access will also be restricted if reasonable adjustments and special assistance can only be provided at certain times or via pre-booking.

You will know that your Department, as well as Network Rail and the Office of Rail and Road, have a legal duty to do ensure that rail services are accessible to everyone. The public sector equality duty in the Equality Act requires active consideration of equality across your work, including in the development of your policies and the use of your powers. This means thinking about the equality implications of decisions, monitoring impact, and taking action if necessary. I note the contractual obligations in place enable your Department and the ORR to monitor rail operators' assistance provision, equality data, diversity impact assessments and other accessibility matters. I would welcome a meeting with your colleagues to understand how these provisions operate in practice and the role of your Department and the ORR in monitoring them.

The introduction of the new Transport Bill provides an opportunity to renew the Government's commitment to accessible travel. We know that the Disabled Persons Transport Advisory Committee, which was established to provide expert advice to the Department, appears to have raised concerns about accessibility investment and that rail staffing policies maximise meaningful accessibility for disabled rail users. I hope you can take account of their feedback and ideally publish Equality Impact Assessments on all departmental policies to improve compliance and transparency for interested parties.

I would also draw your attention to our [review](#) of how public transport strategies

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in Wales consider the needs of older and disabled people, where we describe what an inclusive transport infrastructure should look like.

I look forward to discussing these issues with you and your team. I am copying this letter to John Larkinson at the Office of Rail and Road.

Yours sincerely,



Jackie Killeen

Chief Regulator

Equality and Human Rights Commission



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Jackie Killeen
Chief Regulator
Equality and Human Rights
Commission

Dear Jackie,

Thank you for your letter regarding the complaints you have received relating to railway staffing and the impacts on disabled passengers.

The Department is committed to ensuring that rail services are accessible to all. As your letter states, there are several measures in place to ensure Train Operating Companies facilitate access to the railway, including the requirement to establish and comply with an Accessible Travel Policy (ATP) which must be approved by the Office of Rail and Road (ORR). The ATP sets out the arrangements and assistance that an operator will provide to protect the interests of disabled people using its services and to facilitate such use.

The Secretary of State and officials pay due regard to equality issues when forming and delivering new policy, in line with the public sector equality duty under the Equality Act (2010). You will be aware of the Department's ambition to modernise rail working practices. We have been engaging closely with the rail industry as they develop their staffing and retailing reforms and have been working with the Disabled Persons Transport Advisory Committee (DPTAC) and other passenger advocacy groups to ensure any impact on passengers is considered and mitigated where possible.

Discussion on the scope of workforce reforms is ongoing. We will ensure thorough equalities analysis and impact assessments shape decision making going forward. This will include the completion of Equality Impact Assessments (EIAs). As you will know, there is no legal requirement to publish EIAs and therefore the Department has taken the position not to publish them at this time.

Officials would be very happy to meet with you to discuss the contract obligations in place to monitor rail operators as well as workforce reform. We will be in touch to arrange a discussion with you and representatives from ORR.

Yours sincerely

Simon Smith
Director of Policy, Operations and Change, Rail Strategy and Services

cc. John Larkinson at the Office for Rail and Road