Declan Collier  
Chair  

Lilian Greenwood MP  
Chair, Transport Select Committee  

6 February 2019  

Assistance for wheelchair users by train staff  

Thank you for your letter of 8 January regarding assistance for wheelchair users by train staff.  

Your letter raises important issues which matter a great deal to disabled passengers using the railway. On receipt of your letter and since taking up my role at the beginning of the year I have looked at the current provision of support for disabled passengers, the work ORR is undertaking to improve this and what more we could do. Improving rail accessibility is rightly a key priority for ORR and I will be looking to ensure good progress is made in this respect.  

It is clear to me that accessibility of the rail network is a complex and dynamic issue. Ensuring a disabled passenger can complete their journey is not dependent on the level of staffing on a particular train alone. The staffing and physical accessibility of the stations on their route, the passengers' particular needs and whether they have pre-booked assistance are also important factors in determining the level and type of support required by passengers in order that they can complete their journey successfully.  

ORR's primary aim is to ensure that all passengers - both those that have pre-booked assistance and those that choose to travel spontaneously - are able to complete their journey irrespective of these circumstances. We therefore expect train operators to be able to provide assistance to passengers in a variety of different scenarios.  

ORR's role is to approve train and station operators disabled people's protection policies (DPPPs) and monitor compliance with them. This sets out the assistance that an operator will provide to protect the interests of disabled people using its services.  

We can take action to ensure that operators comply with their policies. Our action can range from reminding operators of their responsibilities, to carrying out additional monitoring, requiring a review of its DPPP or we can open a formal investigation where there is evidence of systemic and serious failures.  

It is clear to me however that train and station operators could do more to improve accessibility of the rail network.
We have recently launched a consultation on changes to the changes to our guidance that we give to Network Rail and train operators on their policies for providing assistance to disabled passengers. The consultation included proposals to:

- Improve accessible journey planning;
- Increasing the reliability of assistance for disabled passengers;
- Reducing the notice period for booking assistance;
- Standardising and improving information given to passengers; and
- Strengthening train and station operators’ staff training.

Our consultation sets out the clear expectation that operators are required to actively consider a variety of ways of providing passengers with assistance. This may include, for example, the use of alternative accessible transport, such as a taxi (this service being provided free of charge to the passenger) and the ability to use staff flexibly to ensure that assistance can be delivered either by on-board staff, station staff or mobile staff. However, it is important to note that we expect that passengers requiring assistance can, as far as is reasonably practicable, make a journey that most reasonably resembles what is available to other passengers.

I was also surprised to learn about the poor standard of the information currently available to passengers requiring assistance. For example, it is not always easy to find out when a station is staffed.

Our consultation continues until 15th February at which point we will review the responses before deciding on a final course of action. I will be looking closely at what we propose and I will of course keep you updated on our proposed course of action.

Turning to the queries in your letter, you raise concerns about specific situations where passengers who rely on train staff to board trains may not be able to do so. As I mentioned above, there are several scenarios where the risk of assistance not being provided to a passenger may be more significant. This includes where a fully accessible station is unstaffed or partially staffed, trains calling at a station not having a second member of staff on board (as mentioned in your letter) or where there is no level access between the platform and the train.

The ability for e.g. a wheelchair user - who wishes to travel spontaneously - to contact a member of staff and seek assistance is essential, irrespective of the staffing on the train. For example, a working help point, the availability and promotion of an assistance freephone number and the use of Customer Information Screens may become significantly more important in mitigating the risk of assistance not being available.

It is clear that train and station operators need to do more to consider the normal operating conditions across their network and to assess where passengers are most likely to not be able to receive the required assistance. They need to have clear measures in place to ensure that passengers who have not booked assistance in advance can still receive it. We will require evidence of such assessments, including both at the point of initial DPPP approval (for instance, at franchise start-up) and where operators may be considering a change to train or station staffing.

I think that innovation can play a role in improving the assistance passengers receive. For example the app announced by the RDG earlier this week on which ORR assisted with the development. I will be taking a closer look at these opportunities as we continue our work.

I have set out the answers to the specific questions you have raised in the attachment to this letter.

I hope this letter shows the commitment of the ORR to improve rail passenger assistance. As I mentioned, this issue is complex and I am pleased that to help inform this work, we've set up an advisory group, which includes industry, DfT and disability groups. Their expert advice will provide informed feedback to help ensure that we get the right systems and processes in place.

Yours sincerely,

Declan Collier
Chair
1. Clarify current legal requirements for TOCs to provide a ‘turn up and go’ service, and how this should be supported by on-train and station staffing.

Train and station operators are required to produce a DPPP as a condition of their licence. Under the current 2009 DPPP Guidance, operators must provide assistance to disabled passengers who arrive at a station and require assistance to allow them to travel, but where assistance has not been arranged in advance (‘Turn Up and Go’ or spontaneous travel), where reasonably practicable. Operators are expected to provide clear and reasonable justification to passengers where assistance cannot be provided for any reason. Ramps must be made available at all staffed stations, and for trains that are approved under the Rail Vehicle Accessibility Regulations must be deployed where required by a disabled person in a wheelchair. Alternative accessible transport must be arranged where the station is inaccessible to the passenger or there is disruption.

2. Whether TOCs have conducted equality impact assessments of changes to on train staffing and, if so, whether the ORR has reviewed these.

It is not within our remit or powers to require an assessment of the impact of operators’ policies on the range of people with protected characteristics under the Equality Act 2010. Enforcement of the Equality Act is the responsibility of the Equality and Human Rights Commission.

Our powers relate to the requirement for operators to have and comply with a DPPP, through which we can ensure the interests of people with disabilities that travel by rail are protected and their requirements anticipated. However, in the revised guidance for operators that is currently out to consultation, we make it clear that in producing and following a DPPP, we expect that an operator will be able to demonstrate compliance with its duties under the Equality Act.

Furthermore, as a public sector organisation we ensure that our own activities comply with the Public Sector Equality Duty. In our recent consultation, we published a draft equality impact assessment of our proposals.

3. What assessment the ORR has made of changes by train operators to staffing on trains and how this has affected the service provided to disabled passengers, and whether any reduction in services has resulted in train operators ceasing to be in compliance with their DPPP.

The only licence holder that has recently moved from operating with a guard to DCO is Goveia Thameslink Railway (GTR) on its Southern routes.

ORR engaged with Southern through the planning and delivery of changes to its staffing arrangements in 2017 to assess whether or not its processes remained compliant with GTR’s DPPP. We were particularly concerned ensure there were effective procedures in place in the exceptional circumstances where a second person was not on the train to assist. Following a period of monitoring, Southern made appropriate changes to its processes to ensure continued compliance with its DPPP. Since that time, there is also now a dedicated team now in place to assist passengers via help points in stations, and a trial of roving staff

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2 As the licence holder, GTR has a single DPPP covering Thameslink, Great Northern, Southern and Gatwick Express services.
to assist at unstaffed stations called at by services that transferred from Southern to Thameslink.

We understand that Northern is also obliged to introduce some form of DCO as part of its franchise commitments, and we are in regular discussion with the company to discuss its obligations for passengers that require assistance. Both Transport for the North and the Department for Transport have recently confirmed the retention of a second member of staff (in addition to the driver) on board Northern trains. We continue to engage with all operators, including through our annual review of DPPPs, to ensure ongoing compliance with their obligations.