



House of Commons  
Transport Committee

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# Disabled People's Access to Transport: A year's worth of improvements?

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**Third Report of Session 2004–05**

*Report, together with formal minutes, oral and  
written evidence*

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## The Transport Committee

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## Summary

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This Committee last examined disabled people's access to transport over a year ago. Since then, new duties have entered in force for transport infrastructure providers; the Bill which should lead to fully accessible transport services has begun its passage through Parliament; and the Government has announced it wishes to phase out by 2020 rail rolling stock which does not meet accessibility standards. We wanted to return to the subject to see what had changed, and how quickly improvements were being made.

Steady progress is being made to improve disabled people's access to transport, but it often seems very slow. The legislation leaves scope for misunderstandings, myths and mischief. Fortunately, we found only limited evidence of all three, though we were disheartened to find that some individuals' access to transport had been reduced as a result of alleged "improvements".

We found some specific shortcomings: wheelchair-accessible buses are unfortunately not yet spread evenly throughout the country; modifications need to be better co-ordinated so they make a real difference, especially on the railway; staff in the transport industry need better training to appreciate the needs of people with hidden disabilities, especially learning disabilities; and travel on planes and ships remains difficult for many disabled people. We support the Government's intention to compel airlines and shipping companies to improve access if they do not do so voluntarily.

Currently, disabled people and transport companies test the arrangements for disabled people's access to transport by taking cases to court. We are not convinced this is the best way to secure better access to public transport, and we fear it might actually be wasteful. We would prefer the Government to define more clearly the specific improvements that transport companies need to make. This would allow resources to be channelled into more productive activity. We also believe it would allow better management of the costs of disabled people's access to transport. This is particularly important in the rail sector.

It may be unfashionable, but we believe the Government, rather than the courts, should determine what should be done to be made to public transport more accessible to disabled people. We believe this will provide tangible results more quickly for a greater number of disabled people.



# 1 Introduction

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1. The Committee previously took evidence on disabled people's access to transport in November 2003, and published its Report in March 2004.<sup>1</sup> The Government responded in May 2004,<sup>2</sup> and introduced the long-awaited Disability Discrimination Bill in the House of Lords on 25 November 2004.<sup>3</sup>

2. We decided to follow-up our earlier Report with a supplementary inquiry for a number of reasons: first, we continued to receive representations from disabled people who suggested their access to transport was not improving or was even getting worse; second, we wanted to explore further certain points the Government made in its response to our report; and third, we wanted to assess the pace of change and see what practical difference was made by the entry into force of the access duties under Part III of the Disability Discrimination Act 1995 on 1 October 2004.

3. On 1 December 2004, we took evidence from the Disability Rights Commission (DRC), the Disabled Persons Transport Advisory Committee (DPTAC), Mencap, Arriva plc, the Association of Train Operating Companies (ATOC), Merseytravel, an official from the Department for Transport, and the Parliamentary Under-Secretary of State at the Department for Transport, Charlotte Atkins MP. We also received written evidence from a large number of organisations and individuals. We are grateful to all those who helped us in this inquiry.

4. We found that disabled people's access to public transport is generally improving, but often very slowly. In some cases, progress is made only by the bringing of test cases before the courts. We find this frustrating and potentially wasteful; the relevant primary legislation allows the Government to introduce regulations which could clarify the type of improvements transport operators should make, but it has not done so. We are also disappointed that well-meaning attempts to introduce uniform improvements sometimes deny access to public transport for individual disabled people who have been travelling happily for some time. The spirit of the legislation—improved access—needs to cut through formalities.

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1 Transport Committee, *Disabled People's Access to Transport*, Sixth Report of Session 2003–04, HC 439 [2003–04]

2 *The Government's Response to the Transport Committee's Report on Disabled People's Access to Transport*, Cm 6184

3 Disability Discrimination Bill [Lords] [Bill 6 (2004–05)]

## 2 The legislative framework

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5. In our previous Report we described fully the legislative framework which governed disabled people's access to transport at that time.<sup>4</sup> There have been some notable changes since then.

### **"Final duties" under the Disability Discrimination Act 1995**

6. The duties under Part III of the Disability Discrimination Act 1995 ("the DDA") currently apply to providers of transport infrastructure, such as bus and train stations, but not to providers of transport services. On 1 October 2004, the so-called "final duties" under the DDA entered into force for transport infrastructure providers. In essence, the infrastructure providers must now take reasonable steps to remove, alter or provide means of avoiding physical features that make it impossible or unreasonably difficult for a disabled person to use a service.<sup>5</sup>

7. The entry into force of these duties does not seem to have resulted in a sudden or dramatic improvement to transport facilities. Mr Neil Betteridge, Chairman of DPTAC, told us that there had been "some modest improvements" over the last year.<sup>6</sup> Mr Neil Scales, Chief Executive and Director General of Merseytravel, explained that all Merseyside's bus stations were now accessible, and while 42 of the 80 stations on the Merseyrail network were currently fully accessible to people using wheelchairs, all of them should be accessible by 2011. According to Mr John Yunnie, Head of Disability and Inclusion at ATOC, about 52% of all 2,500 stations on the rail network now have step-free access to every platform.<sup>7</sup>

8. Mr Will Bee, Director for Wales at the Disability Rights Commission, suggested that there had been less planning and preparation for the Part III duties in the rail industry than in almost any other major service provider.<sup>8</sup> We discuss in paragraphs 37–40 the need to co-ordinate improvements, however it appears that the DRC's attempts to stimulate interest within the rail industry were in vain:

"We have been reiterating the message endlessly to other providers that if you integrate access improvements to your normal cycle of refurbishment, you reduce the costs significantly. If you run around like headless chickens, trying to do it in September 2004, you increase your costs substantially. I fear the railway industry has not even got into headless chicken mode."<sup>9</sup>

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4 HC 439 [2003–04], paragraphs 5–9

5 Disability Discrimination Act 1995 (c. 50), section 21

6 Q 56

7 Q 91

8 Q 71

9 Q 72

## Vehicle accessibility

9. Part V of the DDA allows the Secretary of State to make accessibility regulations for public service vehicles (buses and coaches), rail vehicles and taxis. Regulations have been made for buses and coaches (known as PSVAR), and for rail vehicles (known as RVAR).<sup>10</sup> According to the Department for Transport, the regulations set minimum technical standards “to ensure that, in future, public transport is accessible to disabled people, including those who need to travel in a wheelchair.”<sup>11</sup> The public service vehicle regulations fix an end-date of 2017 by which all buses and coaches will have to comply with the technical regulations. No end-date has yet been fixed for rail vehicles because the parent legislation does not allow this. Fortunately, the Disability Discrimination Bill includes provisions which would allow one to be established. The Government announced on 29 November 2004 that it preferred an end-date of 2020 for rail vehicles.<sup>12</sup>

10. Buses or rail rolling stock which meet the accessibility regulations are not necessarily fully accessible to all disabled people. The terms “accessible bus” and “accessible train” are therefore convenient—we use them in this Report—but misleading. They indicate simply that the vehicles meet the requirements of the rules, not that the regulations themselves are adequate.

11. On-board audio-visual information systems must be fitted to trains in order to meet the accessibility regulations, but they are not required for so-called “accessible” buses.<sup>13</sup> The Guide Dogs for the Blind Association quoted RNIB statistics which “show that over 50% of blind and partially sighted people do not take buses, because they find it frightening and stressful not knowing when to disembark.”<sup>14</sup> The Joint Committee on the Mobility of Blind and Partially Sighted People (JCMBPS) and RNIB told us that such systems: “would greatly increase the accessibility of buses and coaches for people with visual, hearing and learning disabilities. They would also benefit people whose first language is not English, tourists and older travellers”.<sup>15</sup> They also suggest that pilot schemes demonstrate that such systems can operate.

**12. Regulations require audio-visual information systems on accessible trains, but not on accessible buses. This makes it more difficult for blind and partially sighted people in particular to use buses and to combine road and rail journeys. The anomaly seems arbitrary, rather than reasoned. The Government should reconsider whether audio-visual information should be mandatory in buses and coaches. Such systems appear to operate perfectly well in other countries, and some buses in the UK already have some automatic audio announcements.**

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10 The Public Service Vehicles Accessibility Regulations 2000 (S.I., 2000, No.1970) and the Rail Vehicle Accessibility Regulations 1998 (S.I., 1998, No. 2456)

11 Department for Transport, *Consultation on lifting the exemption from Part 3 of the Disability Discrimination Act 1995 for Public Transport, Vehicle Hire, Breakdown and Leisure and Tourism Transport Services*, 29 November 2004, paragraph 3.1.3

12 HC Deb, 29 November 2004, col 18WS

13 Ev 27

14 Ev 27

15 Ev 44

13. Charlotte Atkins MP, Parliamentary Under-Secretary of State at the Department for Transport, told us that around 38% of buses are currently accessible.<sup>16</sup> DPTAC told us that 30% of the national bus fleet is accessible to people in wheelchairs.<sup>17</sup> Mr Betteridge estimated that the proportion of buses accessible to people who use wheelchairs had risen by about four percentage points between 2003 and 2004.<sup>18</sup> It is hard for us to assess whether accessible buses will be introduced by 2017, as required by legislation. Individual operators seem to know the position of their own fleets: Mr Tony Depledge, Development Director, UK Bus, Arriva plc, told us that just over 50% of their fleet was “fully accessible”.<sup>19</sup>

14. Unfortunately, it is clear from the figures that accessible buses are not distributed evenly throughout the country: while 38% of buses are accessible overall, 90% of London buses are currently accessible, and in some other urban areas the figure is 80%.<sup>20</sup> We received an allegation that Arriva moved its inaccessible buses into Kent following the introduction of accessible buses in London.<sup>21</sup> Mr Depledge of Arriva denied this.<sup>22</sup> He said that Arriva was:

“not redeploying them [*non-accessible buses*] by moving non-accessible vehicles around on a systematic basis.”<sup>23</sup>

15. The overall percentage of accessible buses is only a crude measure. We believe disabled people get a much worse deal in areas where there are very low concentrations of accessible buses. Although, as Mr Depledge put it,

“[things] will not get better really until the whole thing is accessible,”<sup>24</sup>

we believe that in 2017 people will find ways to cope if a high proportion of vehicles throughout the country are accessible, but a few are not. However, we believe the situation will be substantially worse if large numbers of buses in some parts of the country remain inaccessible while other parts of the country are perfectly equipped. The Government, local contract managers and bus operators need to ensure that the benefits of accessibility are spread evenly by 2017, and earlier if possible.

**16. We cannot assess with any certainty whether the bus industry will meet the statutory deadline of 2017 to phase out buses which do not comply with the accessibility regulations. The Government, DPTAC and the bus industry should monitor progress towards this deadline by using robust and transparent national and regional statistics. We suggest they publish regular joint progress reports which highlight regional variations in the introduction of buses that meet the accessibility regulations. The benefits of accessible buses should begin to be felt country-wide before 2017, not just in**

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16 Q 54

17 Ev 57

18 Q 56

19 Q 103

20 Q 54

21 Ev 42

22 Qq 105-106

23 Q 106

24 Q 106

some urban areas. If it appears that the 2017 deadline will not be met, or that certain areas of the country are being neglected, the Government, local policy makers and the bus industry should take corrective action.

## The Disability Discrimination Bill

17. The Draft Disability Discrimination Bill was published in December 2003.<sup>25</sup> The Joint Committee published its Report on the Draft Bill on 27 May 2004,<sup>26</sup> and the Government responded to it on 15 July 2004.<sup>27</sup> The Bill was introduced in the House of Lords on 25 November 2004.<sup>28</sup> As noted in paragraph 9, it contains provisions to allow the Secretary of State to make regulations which determine the end-date by which all rail vehicles will have to meet the accessibility regulations. Its provisions also allow the Secretary of State to make regulations which lift the exemption of transport services from Part III of the DDA. In other words, the Secretary of State could use regulations to prohibit discrimination against disabled people by transport service providers.

18. The Government intends to use this power to make regulations which cover public transport (including rail, light rail, underground, trams, buses, coaches, taxis and private hire vehicles), vehicle hire, breakdown, and leisure and tourism services.<sup>29</sup> These will enter into force in December 2006 and will make it unlawful for transport service providers to discriminate directly against disabled people, treat disabled people less favourably without justification, or fail to make a reasonable adjustment to their service provision without justification.

19. There is clear evidence that the proposed regulations are necessary: there are examples of poor service throughout this Report, and the Disability Rights Commission told us:

“We continue to receive calls to our Helpline from disabled people who have been refused access to vehicles which are accessible to them. This happens particularly with regard to buses, despite conduct regulations which prohibit drivers behaving in this way. We believe that the removal of the ‘transport exemption’ will be an important step to stopping this behaviour.”<sup>30</sup>

20. In our earlier Report, we emphasised the importance of giving sufficient notice of changes such as the end of the transport exemption to those directly affected, and explaining their significance.<sup>31</sup> We note that the Disability Rights Commission is due to publish a code of practice to explain the new duties to service providers, and that the Government expects this code to be “available around 12 months in advance of the duties

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25 Cm 6058

26 HC 352-I [2003-04]

27 Cm 6276

28 Disability Discrimination Bill [Lords] [Bill 6 (2004-05)]

29 Ev 52 and Department for Transport, *Consultation on lifting the exemption from Part 3 of the Disability Discrimination Act 1995 for Public Transport, Vehicle Hire, Breakdown and Leisure and Tourism Transport Services*, 29 November 2004

30 Ev 64

31 HC 439 [2003-04], paragraph 21

coming in to force”.<sup>32</sup> The DRC code should therefore be available by December 2005. It remains important that operators have sufficient time to make the changes required.

**21. We welcome the provisions of the Disability Discrimination Bill which are intended to end the exemption of transport services from Part III of the DDA. The delay between the Joint Committee’s Report and the Bill’s introduction appears excessive, but we assume it will not jeopardize the Bill’s passage this Session or the implementation timetable. After the Bill was introduced, the Government set out in a consultation paper the intended timetable for the relevant regulations. We assume this takes into account the Government’s best assessment of the likely timetable for progress of the Bill, and we therefore expect the Government to ensure regulations enter into force by December 2006, as promised. If delays to the Bill or regulations occur, the Government must not offset them by delaying the publication of the Disability Rights Commission’s code of practice. Doing so will simply increase pressure on transport operators. We shall continue to monitor the Government’s progress.**

## Voluntary arrangements

22. There are no statutory requirements to make provision for disabled passengers on board aircraft and ships. Instead, voluntary arrangements allegedly improve disabled people’s access to transport in these sectors. For example, the Department for Transport published a Code of Practice for air travel in March 2003.<sup>33</sup>

23. In our earlier Report, we supported the Government’s intention to bring aviation and shipping within the scope of the law if the voluntary codes of practice prove ineffective.<sup>34</sup> The provisions in the Disability Discrimination Bill allow the Government to do so by regulations, and the Transport Research Laboratory is due to report by the end of 2005 on industry’s compliance with the aviation code.<sup>35</sup> The Government has often repeated its intention to legislate if the voluntary approach proves ineffective; indeed, the Minister told us so in terms: “If the voluntary code is not seen to be working, then we will use compulsion.”<sup>36</sup>

24. Like the Joint Committee on the Disability Discrimination Bill,<sup>37</sup> we received a significant amount of evidence that the voluntary approach is not effective. The Disability Rights Commission told us that deaf people had been prevented from flying with Iberia and EasyJet, and that one ferry company still did not allow guide dogs to accompany their owners on board.<sup>38</sup> Mr David Congdon, Head of External Relations at Mencap, told us that a group of students with mild learning disabilities, their carers and helpers found it difficult to return to the UK by air from Geneva.<sup>39</sup> While DPTAC<sup>40</sup> and the JCMBPS and RNIB<sup>41</sup>

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32 Ev 52

33 Department for Transport, *Access to Air Travel for Disabled People — Code of Practice*, March 2003

34 HC 439 [2003–04], paragraph 13

35 HC Deb, 17 January 2005, col 672W

36 Q 26

37 see HC 352–I [2003–04], paragraph 157

38 Ev 65

39 Q 83

40 Ev 58

seem willing to await the results of the research, we understand the frustration that the delay causes. The Guide Dogs for the Blind Association told us they “remain concerned that the voluntary codes of practice covering air and ferry transport do not appear to be improving provision for visually impaired people”.<sup>42</sup> Mr Betteridge agreed that the advent of low-cost aviation might be making the shortcomings more evident:

“The no frills airlines clearly provide opportunities for people who may not otherwise have afforded to travel by air to do so. Disabled people as a group are on the whole a low-income group, and in the context of an ageing population too, more people with impairments and mobility problems are travelling by air. It is understandable that we are seeing some of those problems now writ large. There are very clear points of tension between operators who want to remove what they call frills and those support mechanisms that disabled people need to be confident are in place in order for them to make the journey. So as operators seek to work with lower and lower costs to the public, I think some of the compromises being made actually undermine disabled people’s rights [...]”<sup>43</sup>

Mr Bee suggested that the Government was mistaken to rely on voluntary arrangements. He was convinced that legislation would be required:

“The campaigners for the Disability Discrimination Act from the late 1970s were reassured that voluntary codes would suffice. Fifteen years later, in 1995, the government was forced to legislate because there are always rogue operators who will not follow voluntary codes. We believe with regard to air and maritime services that the government is simply repeating the same mistake, and that whilst they may have to go through the formalities of completing this evaluation, we are confident it will demonstrate that there will always be rogue operators and that there is no alternative to effective legislation.

**25. The Government wishes to wait until later this year to see the results of research into compliance with voluntary arrangements designed to secure better access to air and sea transport for disabled people. It will then decide whether regulations are necessary. We understand this reasoning, but it is no excuse for inaction in the meantime. The Department, the DRC and other interested parties must continue to raise cases of unsatisfactory provision with air and sea operators. It is presumably in the operators’ interest that these arrangements remain voluntary. The Government should therefore publicise now the test it will apply when the research results are available. We suggest that test should be as follows: to escape statutory duties, airline and sea transport companies must prove that they provide services which meet disabled people’s needs in the same way as operators in sectors where statutory duties do exist.**

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41 Ev 46

42 Ev 28

43 Q 81

## The proposed Commission for Equality and Human Rights

26. The Queen's Speech for the current Session included the statement that: "A single Commission for Equality and Human Rights will be established."<sup>44</sup> This will result in the abolition of the Disability Rights Commission, which provides advice to disabled people, including travellers, and supports legal cases which test the limits of disability rights legislation, including in the field of transport. Mr Bee told us that the DRC had been given a commitment that the single Commission would have a Disability Committee, although the DRC was still seeking assurances about the powers that Committee would have for the purposes of the transport provisions of the DDA.<sup>45</sup> He also explained why the timing of the creation of the new Commission was particularly relevant to transport:

"The Government have indicated they expect to remove the exemption from the transport industry at the end of 2006. The indications are that the Commission for Equality and Human Rights will come into effect early in 2007. Our ability to inform disabled people of those changes and to help industry prepare for them is bound to be hampered by that timing."<sup>46</sup>

**27. The Government must ensure that the work of the Disability Rights Commission on transport matters is assumed fully by the Commission for Equality and Human Rights in a seamless and effective way. The timing of the changeover is awkward because it clashes with the planned extension of the Part III DDA duties to transport service providers. However, we recognise that there are few perfect moments for any organisational reform. The Government is the promoter of the change and ultimately determines the timing. The Government must therefore ensure that the resources and governance arrangements of the new single Commission do not undermine the DRC's efforts to secure smooth and meaningful entry into force of the new duties on transport service providers.**

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44 HC Deb, 23 November 2004, col 5

45 Q 70

46 Q 70

## 3 Implementation

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28. The implementation of the legislation is just as important as the framework itself. In the course of this inquiry, we received written and oral evidence about the way some individual disabled people are treated when they try to use public transport. Their stories are often shocking: we heard about the blind train passenger who, in the absence of anyone to help, opened the slam door on the usual side and stepped down to find that there was no platform;<sup>47</sup> we also heard about the guide dog owner in London who, during one day, was verbally abused by one bus driver who refused to tell him the route number, and told by another that he could not take his dog on the bus.<sup>48</sup>

29. This chapter examines the implementation of the relevant legislation and some of the myths and misunderstanding which appear to have arisen.

### Health and safety

30. An popular assertion is that transport operators use health and safety rules as an excuse not to adapt their facilities or services to make them more accessible to disabled people.<sup>49</sup> In particular, there has been speculation that health and safety rules prevented Central Trains from re-establishing a barrow crossing with pedestrian signals at Thetford station in Norfolk.<sup>50</sup> (A court case was taken to resolve the arrangements for access to this station by a passenger in a wheelchair. This is discussed below.)

31. In fact, the Health and Safety Executive (HSE) told us that “no formal proposal has been submitted by the station operator to either HSE or to Network Rail (the mainline rail infrastructure controller)”.<sup>51</sup> We cannot assess whether Central Trains did not make a formal proposal because they thought it might not succeed. Nevertheless, Her Majesty’s Railway Inspectorate will only support new level or barrow crossings in exceptional circumstances, and HSE encourages the closure of existing crossings where a risk assessment indicates high risk.<sup>52</sup> Responsibility for health and safety regulation on the railways is due to pass to the Office of Rail Regulation as a result of the Railways Bill.<sup>53</sup>

32. The Disability Rights Commission believes health and safety concerns have been raised inappropriately, for example in the case mentioned at paragraph 24 of deaf people being prevented from flying because they would be unable to understand safety instructions.<sup>54</sup> However, the DRC notes that it is unable to challenge such decisions in the courts because of the current exemptions from the legislation.

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47 Ev 45

48 Ev 27

49 Ev 28, Ev 35

50 Ev 22

51 Ev 56

52 Ev 55

53 Railways Bill, clause 2 and Schedule 3 [Bill 41 (2004-05)]

54 Ev 65

33. The Department for Transport suggested that:

“Health and safety should not [...] be used as an excuse not to make appropriate provision for disabled people.”<sup>55</sup>

This is not the full story. While health and safety should not be used as an *excuse* for inaccessibility, it can be used as a *justification*: section 20(4)(a) of the DDA allows a service provider to justify treating a disabled person less favourably than others if it is reasonable to believe that

“the treatment is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person)”.<sup>56</sup>

34. There can therefore be a tension between accessibility improvements, health and safety standards and cost, although this obviously does not exist in every case. As the Health and Safety Executive notes:

“In many cases, we believe that dutyholders will be able to take measures that meet the requirements of both DDA and health and safety law. [...] To a significant extent, then, we do not believe dutyholders should justifiably see compliance with health and safety law as a barrier to compliance with DDA and we believe there will be few cases where dutyholders will find it impossible to satisfy both health and safety and disability requirements.

“However, there will be occasions where a risk assessment will identify risks where the measures needed to protect people’s health and safety will place a justifiable constraint on what dutyholders can do to ensure a disabled person is not treated less favourably. In some cases, reasonable adjustments to ensure equal treatment for disabled people might still be practicable. But, in others meeting both health and safety requirements and DDA might be very costly. The DDA recognises this by including provisions for health and safety or cost to justify failure to make reasonable adjustments or other actions apparently treating a disabled person less favourably. These provisions cannot be used unless the dutyholder reasonably believes that the treatment is necessary not to endanger the health and safety of any person or the cost of making adjustments is unreasonable. The judgement of what is reasonable for dutyholders is not an easy one and will need to be resolved on a case-by-case basis.”<sup>57</sup>

35. In those cases where there is a tension, the difficult choice which faces service operators is whether to make at great cost an adjustment which meets health and safety requirements; whether to seek a derogation from the normal health and safety standard; or whether to plead excessive cost and not make any adjustment. That decision will not be taken in isolation from other business decisions and is all the more difficult for the operator because the wrong decision could result in legal action. It is also sensitive in an industry which relies heavily on subsidy, such as rail. Lord Bradshaw illustrated the dilemma particularly well by returning to the example of the barrow crossing, imperfect though it may be:

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55 Ev 53

56 Disability Discrimination Act 1995, section 20(4)(a)

57 Ev 55

“It will be incredibly expensive to provide access to platforms at stations which cannot be accessed from ‘both’ sides. The use of a barrow crossing, with suitable warning lights would obviate many of the problems at reasonable cost, but this would require modification of the present safety requirements. If money is spent on expensive means of access e.g. lifts or bridges, there is a fear that such money would be deducted from the limited funds available for improving rail services.”<sup>58</sup>

**36. We do not believe transport operators rely systematically on spurious health and safety considerations to avoid improving disabled people’s access to transport. There can occasionally be a tension between health and safety, cost and accessibility. However, sometimes small increases in risk might bring significant improvements to accessibility. When tensions do arise between health and safety, cost and accessibility, transport operators must be able to seek authoritative advice to reduce the likelihood of legal action. The provision of advice must not be jeopardized when rail safety responsibilities move from the HSE to the Office of Rail Regulation, or when the Equality and Human Rights Commission replaces the Disability Rights Commission.**

### Co-ordination of improvements

37. In our last Report, we recommended that if a station itself was accessible, steps should be taken to ensure it was served by accessible trains.<sup>59</sup> We were disappointed by the Government’s response that “it is not always possible, or indeed practicable, to ensure such alignment of access provision”.<sup>60</sup> The existence of accessible stations without accessible trains, and accessible trains running to inaccessible stations, makes it seem that improvements to the service have not been well co-ordinated. We appreciate that many rail stations were originally built over 100 years ago, and that, as ATOC notes, “priority for works will take the amount of passenger usage at the station into consideration as well as the feasibility of new works and customer requirements.”<sup>61</sup> However, since the pace of change is quite slow, immediate benefit can only be derived from improvements if they are aligned in a meaningful way.

38. The SRA told us that it was developing an accessibility strategy for consultation, the aims of which will be:

- “to establish a coherent, agreed, funded plan for making the railway more accessible;
- given finite resources, to establish a framework within which priorities can be established; and
- to set out a clear implementation route so that different players within the restructured railway can all work towards common goals.”<sup>62</sup>

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58 Ev 23

59 HC 439 [2003–04], paragraph 37

60 Cm 6184, paragraph 15

61 Ev 25

62 Ev 63

The SRA explained that this was likely to mean that busier stations would be prioritised. The DRC were disappointed that this strategy had not yet been published, since “the duty to make reasonable physical adjustments is anticipatory and we think that it should have been in place before the duty came into effect on 1 October [2004].”<sup>63</sup> Mr Bee thought this showed “an unacceptable level of planning and co-ordination.”<sup>64</sup>

39. When we discussed this issue with the Minister, she suggested that the transfer of strategic responsibility for the railways to the Department for Transport as a result of the Railway Bill would result in better co-ordination of accessibility improvements:

“**Chairman:** [...] There is no point in giving access to a station where there are no trains. Is there now a very urgent view in the Department that we cannot really wait any longer, we have to have this kind of straightforward decision-making pushed to the front of the queue?”

“**Charlotte Atkins:** You are absolutely right, and now that we are taking greater control of the railway industry, that will help us. We have been struggling, as you know, to bring the railway industry under control, under cost control as well as under control in terms of ensuring that the franchises do not fragment the railway industry as it has over the last few years. We are struggling with that. We are putting a huge amount of investment into the railway industry. Part of that investment must be to ensure greater access.”<sup>65</sup>

**40. Improvements to accessibility must be properly co-ordinated, even within one mode of transport. Accessible trains which serve inaccessible stations are of little benefit, as are wheelchair-accessible buses that cannot pull into the kerb to extend their ramps because of parked cars. The Government must use the duties it will re-acquire as a result of the Railways Bill, and the new franchise agreements, to ensure that accessibility is improved in a co-ordinated way on the railway. We recognise the expenditure constraints, however, these heighten the need for wise spending decisions and demonstrable improvements. If infrastructure and rolling-stock improvements are co-ordinated in a common-sense way, disabled travellers will experience significant benefits step-by-step, not only once all the improvements are complete.**

## Unintended effects

41. We heard reports that a transport authority was considering withdrawing hail and ride bus services in anticipation of the extension of Part III of the DDA to means of transport because buses operating such routes cannot always pull into the kerb sufficiently.<sup>66</sup> The transport authority allegedly feared that this meant hail and ride services were inaccessible and would not comply with the terms of the DDA. We subsequently heard that the transport authority concerned was preparing a policy on hail and ride bus services to make

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63 Ev 65

64 Q 68

65 Q 18

66 Association of London Government, *London Bulletin*, November/December 2004, p.18

matters clearer, and intended to consult about it.<sup>67</sup> This episode demonstrates the scope for confusion about the DDA's requirements.

42. We also heard that the quest for consistent policies on the access to public transport for disabled people can make individual passengers' situations worse: one train passenger who had previously been able to take his powered scooter on the train was no longer able to do so.<sup>68</sup> The Strategic Rail Authority (SRA) told us that:

“All franchised operators now have revised Disabled People's Protection Policies approved by the SRA, providing a clear and improved framework for customers.”<sup>69</sup>

43. However, the Minister and Mr John Yunnice, Head of Disability and Inclusion at the Association of Train Operating Companies (ATOC) both told us that the situation described above arose precisely as a result of the train operating company's Disabled People's Protection Policy (DPPP).<sup>70</sup>

“**Charlotte Atkins:** [...] [i]n drawing up their DPPPs they [*the train operating company*] had to say whether they were willing to carry powered scooters from all stations. As a result of that—having to say a ‘yes’ or a ‘no’—they then had to decree that they would, in fact, say that they could not carry powered scooters.”<sup>71</sup>

44. We welcome the requirement that each train operating company has a clear policy which guarantees particular services for disabled people. However, Leonard Cheshire also told us that:

“Many of these policies, however, list restricted or no access to a large number of stations [...] The fact that these policies vary so widely suggest that the DDA is being interpreted inconsistently by the rail industry despite SRA guidance on what is expected under the law.”<sup>72</sup>

Different companies face different circumstances, but the lack of consistency is worrying. It is essential that these policies do not make the situation worse for individual passengers by preventing *ad hoc* arrangements, especially where these have worked well in the past. The station staff who originally helped the passenger we heard about to travel should be commended and encouraged, not told to stop it.

45. Miss Anne Frye OBE, Head of the Mobility and Inclusion Unit at the Department for Transport, explained that the Department and the British Health Care Trades Association had produced a publication called *Wheels within Wheels* which identifies those powered scooters which can be accommodated on public transport, and that work continued on a labelling scheme to identify such scooters.<sup>73</sup> Mr Yunnice pointed out that a range of rolling stock continues to operate in the UK, and suggested that this complicates matters “when

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67 *Mayor answers to London*, Question 1932/2004, <http://www.london.gov.uk>

68 Qq 6–8, 121–122

69 Ev 62

70 Qq 6, 121

71 Q 6

72 Ev 31

73 Q 7

you are faced on the ground with whether Mrs Smith’s powered scooter will actually fit on to train operator X’s particular train that turns up on the day.”<sup>74</sup>

**46. Disabled People’s Protection Policies (DPPPs) are important because they offer clear statements of guaranteed access. They must be based on consistent interpretation of the DDA across the rail network. They must not preclude the application of common sense. After all, disability discrimination legislation exists to improve access, not impair it. A disabled person who is accommodated on a train one day should not be refused access to the same rolling stock the next. When the Department for Transport assumes the strategic functions of the SRA as a result of the Railways Bill, it must ensure that train operating companies’ DPPPs do not undermine sensible, informal solutions on those parts of the rail network where full access cannot yet be guaranteed.**

## Walking

47. It is easy to overlook walking as a means of transport. Nevertheless, as the Guide Dogs for the Blind Association pointed out, “for those with a visual impairment, it is one of the primary means for getting from A to B.”<sup>75</sup> Professor Peter Barker OBE, Chair of the Built Environment Group at DPTAC, was “worried that in the future the local authorities will not get strong enough direction from the Disability Discrimination Bill to ensure that they are working very seriously to improve the street environment.”<sup>76</sup>

48. Some developments which appear to represent progress may be a step back for some people. For example, we heard that the road had been raised to the same level as the pavement in the centre of Lowestoft. This may be convenient for many people—indeed it could assist wheelchair users—however it can deter visually impaired people who no longer know where the pavement ends and the road begins.<sup>77</sup> In fact, the Government’s best practice guide *Inclusive Mobility*<sup>78</sup> and its *Guidance on the Use of Tactile Paving Surfaces*<sup>79</sup> both recommend that a tactile guidance path surface should be used where traditional cues, such as a kerb edge, are not available. However, the guidance does suggest that: “the surface should be used sparingly and only after local consultation with relevant local groups.”<sup>80</sup>

49. Professor Barker explained that cyclists were also a hazard to visually impaired people, and that, although encouraging cycling was commendable, ways needed to be found to prevent cyclists and pedestrians becoming entangled.<sup>81</sup> Again, the official guidance suggests the use of a particular type of tactile surface, and contrasting surface colours, to delineate

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74 Q 122

75 Ev 27

76 Q 75

77 Ev 28

78 Department for Transport, *Inclusive mobility: A guide to best practice on access to pedestrian and transport infrastructure*, [www.dft.gov.uk](http://www.dft.gov.uk)

79 Department for Transport, *Guidance on the use of tactile paving surfaces*, [www.dft.gov.uk](http://www.dft.gov.uk)

80 Department for Transport, *Guidance on the use of tactile paving surfaces*, [www.dft.gov.uk](http://www.dft.gov.uk), paragraph 6.1

81 Q 75

cyclists and pedestrians on shared paths.<sup>82</sup> We are not convinced that this offers sufficient protection to cyclists or disabled people.

**50. Walking must not become the poor relation of public and private transport as disabled people’s access to transport improves. We welcome the detailed official guidance to help planners incorporate the needs of disabled people into street design. However, the Department for Transport should consider whether tactile paving and colour coding provide a sufficient barrier between visually-impaired people and cyclists on shared cycle track/footways. Visually-impaired people—and indeed all users of shared paths—need to know not only where the dividing line is between pedestrians and cyclists, but also that they are on the correct side of it.**

## Staff training

51. In our Report last Session, we noted the importance of staff training to accompany the introduction of new duties on transport providers.<sup>83</sup> We and the Joint Committee on the Disability Discrimination Bill also noted the estimated costs to business of providing disability awareness training. The Government’s most recent estimates suggest non-recurring costs to the rail, bus and coach, taxi and private hire and vehicle hire sectors of £37.5m and annual recurring costs of £15.65m-15.85m in total.<sup>84</sup>

52. Mr Congdon emphasised the value of staff training to securing access to transport for people with a learning disability, but questioned both its consistency and scope:

“I think perhaps the most important thing over and above that [*information and signage*] is, frankly, the attitude of staff. That boils down to good quality disability awareness training of staff. It is true to say that there has been retraining of quite a few staff, although it is patchy, but [...] it tends to focus on the more obvious issues of physical access and disability and does not focus on not just learning disability but, I would say, all hidden disabilities.”<sup>85</sup>

53. Mr Congdon made the valid point that training which instils an understanding of people with learning disabilities also helps other passengers who may be slower to understand.<sup>86</sup> However, he also recognised that training front-line staff might not be sufficient on its own:

“some of this goes deeper than training. People can attend a training course, do the tick box and say they have done the training course and forget everything that they learned. You have to reinforce it throughout the organisation”<sup>87</sup>

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82 Department for Transport, *Inclusive mobility: A guide to best practice on access to pedestrian and transport infrastructure*, [www.dft.gov.uk](http://www.dft.gov.uk), paragraph 4.5

83 HC 439 [2003–04], paragraphs 27–29

84 Department for Transport, *Consultation on lifting the exemption from Part 3 of the Disability Discrimination Act 1995 for Public Transport, Vehicle Hire, Breakdown and Leisure and Tourism Transport Services*, section 10. These figures include loss of earnings for the tax and private hire sector, and exclude non-recurring costs of £22m and annual recurring costs of £1.5m in the aviation sector which were included in the draft RIA which accompanied the Draft Bill.

85 Q 84

86 Q 85

87 Q 86

Mr Betteridge too thought training in the bus industry would be difficult to guarantee:

“the problem is going to be about enforcement: how on earth do we enforce this? For disabled people whose impairment is invisible to bus drivers I suspect there will be problems for a long time to come.”<sup>88</sup>

54. Mrs Ann Bates, Chair of the Rail Working Group at the Disabled Persons Transport Advisory Committee, suggested that disability awareness training was also patchy within the rail industry,<sup>89</sup> but that there really needed to be consistency “because passengers do not see the difference between one train operating company and another.”<sup>90</sup>

55. Merseytravel told us that they received many complaints about bus drivers moving off before people had properly taken their seats.<sup>91</sup> Mr Depledge agreed that drivers can use new, more powerful vehicles in a rather less passenger-friendly way.<sup>92</sup> At first sight, this seems like a matter of training, but Mr Depledge assured us that Arriva was very conscious of the problem and understood the need to ensure its drivers were properly trained.<sup>93</sup> Perhaps it is therefore an example of training not resulting in a permanent change in behaviour, in the way Mr Congdon suggested.

56. The quality of training must be assured, and performance must be monitored to ensure it has the desired effect over time. Mr Betteridge mentioned the inclusion of disability awareness training in a National Vocational Qualification for bus drivers, which may prove a step forward.<sup>94</sup> Accreditation of disability awareness training could offer an opportunity for hidden disabilities to be addressed to the satisfaction of organisations like Mencap. Mr Congdon raised the possibility of “mystery shopping”, which may prove a useful tool to assess in a systematic way the impact of disability awareness training.<sup>95</sup>

57. However, training is only part of the picture; the needs of people with hidden disabilities should also be better appreciated in vehicle and infrastructure design.

**58. Disability awareness training for staff in the transport sector is desirable even now. It will be essential when transport operators are brought within the scope of the Disability Discrimination Act. The costs of this training to the transport industry will remain significant. Taxpayers, shareholders and passengers deserve to see a return for their investment. The training must be accredited and monitored to ensure it is of a consistent quality. However, simply going through the motions of training is not enough: the resulting service must be noticeably better for disabled passengers. The Government, local transport authorities, DPTAC and the DRC should consider whether “mystery shoppers” could be deployed systematically as part of ongoing service monitoring.**

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88 Q 64

89 Q 62

90 Q 68

91 Ev 70, Q 107

92 Q 107

93 Q 107

94 Q 64

95 Q 84

59. Staff attitudes have a profound effect on people with learning disabilities. Staff training must therefore be improved to help meet their needs. Providers of disability awareness training should seek greater input from organisations which represent people with hidden disabilities, such as learning disabilities. This could include involving people with learning disabilities in the training so that they can meet members of staff. Customer care training should reinforce the business benefits of sensitivity and understanding.

## 4 Extent and cost of improvements

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60. As mentioned in paragraph 6, transport infrastructure providers must now take reasonable steps to remove, alter or provide means of avoiding physical features that make it impossible or unreasonably difficult for a disabled person to use a service. The degree of adjustment required turns on the interpretation of the concept of reasonableness. There are no regulations which define “reasonableness”, even though the DDA makes provision for them. The DRC Code of Practice on rights of access to goods and services gives many examples of what might be considered reasonable, but notes that:

“What is a reasonable step for a particular service provider to have to take depends on all the circumstances of the case. It will vary according to:

- the type of services being provided;
- the nature of the service provider and its size and resources;
- the effect of the disability on the individual disabled person.”<sup>96</sup>

61. We suggested in our previous Report that a lack of clarity about what was “reasonable” would create uncertainty.<sup>97</sup> It also influences the extent and the cost of improvements. The Joint Committee on the Draft Disability Bill recommended that the code should be very clear about what is reasonable for transport operators in each sector and in different circumstances, and concurred with this Committee that the code should be subject to the affirmative procedure.<sup>98</sup> The Government response to these points was not encouraging; it said flatly that the code of practice was a matter for the DRC; added that the Government understood the DRC would include examples; and rejected the suggestion that the affirmative procedure should be used to approve the code.<sup>99</sup>

### Extent of improvements

62. If regulations, codes of practice or guidance do not make sufficiently clear which improvements and adjustments can be regarded as “reasonable”, the courts must decide. Given the absence of regulations, we do not doubt Mr Bee’s assertion that:

“it is important sometimes to get into the courts, particularly the higher courts, to get clear interpretations of the law.”<sup>100</sup>

However, we consider it odd that the Government relies on the courts to interpret the meaning of “reasonableness” without guiding that interpretation in regulations; Parliament has given the Secretary of State a power to make regulations which set out the circumstances in which it is reasonable and not reasonable for service providers to have to

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96 <http://www.drc-gb.org.uk/open4all/law/CodeofPractice.doc>, paragraph 4.21

97 HC 439 [2003–04], paragraph 22–25

98 HC 352-1 [2003–04], paragraph 141

99 Cm 6184, paragraphs R21 and R22

100 Q 76

take steps of a prescribed description.<sup>101</sup> The current approach gives the courts much greater potential freedom to decide what is “reasonable”, and also what is not. Of course, the content of the judgments is a matter for the courts. The Government’s approach relies heavily on the DRC Code of Practice, which we recognise is subject to negative procedure in both Houses of Parliament. However good they may be, the DRC’s Codes of Practice are by their nature illustrative rather than prescriptive. We suggest that the absence of regulations can therefore create uncertainty for transport companies about the level of service they should provide, and for disabled people about the level of service they should expect.

63. A well-publicised case demonstrates that the courts may choose to define reasonableness in terms which relate to the individual case, rather than in a way which can be applied more widely. Mr Keith Roads, a wheelchair user, brought a case against Central Trains with the support of the Disability Rights Commission.<sup>102</sup> Mr Roads wanted to travel from Thetford to Norwich by train. This meant he needed to reach a platform which was inaccessible to him, although the platform for trains running in the opposite direction was accessible. In summary, Central Trains contended it was reasonable to require Mr Roads to travel in the wrong direction by train to the more accessible station at Ely and change trains there in order to travel in the correct direction, while Mr Roads contended a specially adapted taxi should be provided by Central Trains to take him from the accessible side of Thetford station to the otherwise inaccessible platform. Mr Roads won the appeal.

64. However, this case does not mean that station operators will have to provide taxis in all similar circumstances. In the judgment in Mr Roads’ case, Lord Justice Sedley concluded that:

“although it [*the case*] has made it appropriate to explore some significant aspects of the legislation, what it decides is likely to be of limited impact because of the peculiarity of the real or assumed facts on which both the judge below and this court have had to proceed.”<sup>103</sup>

65. Bringing cases to court takes time and costs money: Mr Bee told us that Mr Roads’ case took around two years and cost approximately £12,000 at county court, with the appeal rising to £25,000.<sup>104</sup> There is no guarantee that detailed parallels can be drawn to similar situations from the judgment in this case. To our minds, this raises a doubt about the value for money of relying so heavily on case law to define the policy. In a successful case, like Mr Roads’, the claimant’s costs are usually recovered from the transport company. This could reduce the amount of money which the company is able to spend on accessibility improvements. If the defendant’s costs are recovered from the DRC, this could reduce the amount of money which the DRC is able to spend on mediation. By the time opportunity costs and court time are taken into account, we wonder whether prescriptive regulations might offer better value for money than serial court cases. Of course, regulations can be taken to judicial review, and there might still be some court cases, but the trade-off might

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101 Disability Discrimination Act 1995, section 21(5)

102 [2004] EWCA Civ 1541

103 [2004] EWCA Civ 1541, CA (Civ Div) (Buxton LJ, Sedley LJ, Jacob LJ) 5 November 2004, paragraph 36

104 Qq 76, 78

include greater certainty for transport providers and passengers, as well as a reduction in the DRC workload.

**66. Court judgments on the “reasonableness” of accessibility improvements tend to provide certainty only in a specific case. We urge the Government to reconsider whether prescriptive regulations should be made to define more clearly what adjustments are reasonable in various parts of the transport sector. Without such leadership, we fear that Parliament and Government will lose control of both the extent and cost of making public transport accessible to disabled people. In our view, the determination of exactly what is “reasonable” is not a mere detail which could benefit from occasional clarification; it involves fundamental policy decisions which establish just how accessible transport is to disabled people.**

## Costs

67. The Government’s failure to determine whether it is reasonable for disabled people who need help getting on and off trains to book their journey in advance demonstrates that a lack of leadership can lead to uncertainty about costs.

68. Currently, rail passengers who wish to guarantee assistance when they get on and off the train must book 24 hours in advance. Wheelchair users often require such help. The book-ahead requirement is supposed to allow staff to be in the right place to assist the passenger. (It is important to note that, of the 2,500 or so train stations on the rail network, approximately 1,000 are unstaffed and a further 1,000 or so are only staffed at certain times.)<sup>105</sup> DPTAC consider the book-ahead requirement to be unfair,<sup>106</sup> and Mrs Bates told us that:

“I would prefer not to book ahead at all. I do not see why we should book ahead at all, but I am a pragmatist and in the real world out there I would like to have some assurance that when I get on a train I stand just some chance of getting off it. [...] Ideally, I would like it not to be so, but in the current climate I believe it is best to book ahead.”<sup>107</sup>

69. In our previous Report, we said that this matter should be made clear by Government.<sup>108</sup> The Government response led us to believe we had perhaps not been sufficiently clear:

“Part 3 of the DDA already covers access to railway stations and we would expect the issue of advanced booking to be covered in the Disability Rights Commission’s Code of Practice.”<sup>109</sup>

When the Joint Committee considered this issue, it concluded that:

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<sup>105</sup> Department for Transport, *Consultation on lifting the exemption from Part 3 of the Disability Discrimination Act 1995 for Public Transport, Vehicle Hire, Breakdown and Leisure and Tourism Transport Services*, paragraph 10.1.9

<sup>106</sup> Ev 57

<sup>107</sup> Q 60–61

<sup>108</sup> HC 439 [2003-04], paragraph 35

<sup>109</sup> Cm 6184, paragraph 13

“Given the importance of transport for disabled people, and the costs involved in removing the 24-book-ahead requirement, **the Committee recommends that the DRC should be very clear about what is a reasonable level of service for operators to provide in this regard.**”<sup>110</sup>

In its response to the Joint Committee, the Government once again appeared to pass to the DRC sole responsibility for providing initial guidance about what might be considered reasonable:

“The Code of Practice will be a matter for the DRC. We understand that the question of what is a reasonable level of service in relation to book-ahead requirements is one that the DRC is discussing with the industry.”<sup>111</sup>

70. The question of the “reasonableness” of removing the book-ahead requirement cannot be divorced from the costs. One way of removing the requirement would be to staff a greater proportion of stations during opening hours. The Government’s regulatory impact assessment (RIA) suggests that the non-recurring costs to the rail industry of doing so would be “substantial” (but does not quantify them) and that recurring costs would be between £45 million and £135 million each year, depending on the percentage of stations to be staffed.<sup>112</sup>

71. ATOC expressed concern at the cost to train operating companies of accessibility improvements, primarily to infrastructure, and suggested that these must be built-in to new franchise agreements.<sup>113</sup> Mr David Mapp, Commercial Director at ATOC, observed:

“If £2 billion worth of investment was built into franchise agreements, then yes, £2 billion worth of investment could be made. In that sense, it is not just an issue for train operating companies; it is also a public policy issue. [...] There is a huge amount of work that needs to be done to make the network accessible. Would that investment pay a pure commercial return? The answer is that in many cases it would not pay a pure commercial return.”<sup>114</sup>

Given the impact of franchise agreements on the public purse, we agree with Mr Mapp that the amount train operating companies spend on accessibility improvements is indeed a public policy issue. Yet the Government does not pronounce on such issues: in the case of the book-ahead requirement, the consultation paper emphasises that train operators will have to make their own choices based on the DRC code of practice and the courts will then determine what is reasonable:

“[A] service provider must take such steps as are reasonable to change the practice, policy or procedure so that it no longer has the effect of making it impossible or unreasonably difficult for a disabled person to use the service. Whilst train operators might be able to justify not providing access without notice, or at all, to some services

110 HC 352-I [2003-04], paragraph 143

111 Cm 6276, paragraph R23

112 Department for Transport, *Consultation on lifting the exemption from Part 3 of the Disability Discrimination Act 1995 for Public Transport, Vehicle Hire, Breakdown and Leisure and Tourism Transport Services*, section 10.1

113 Ev 26, Q 110

114 Qq 110-111

such as those at unstaffed stations or at stations where there is no level access, they will need to satisfy themselves on a case by case basis that their actions are justified. Ultimately, where a case is pursued, it will be for the courts to determine taking into account the specific circumstances.”<sup>115</sup>

72. Since no view is expressed in the Government consultation paper on whether the abolition of the book-ahead requirement is likely to be considered reasonable, we do not understand how the Department is able to conclude with such certainty in the letter which accompanies the draft regulations and RIA that “The results [*of the RIA*] indicate that the costs of the new duties **will not** present a significant additional burden for transport providers.”<sup>116</sup> The Government presumably has some idea of what it might consider reasonable, but this may or may not accord with the view of the courts should this matter come before them. The RIA shows that the cost of total abolition of the book-ahead requirement would be over double the cost of staffing 25% of currently unstaffed stations and 50% of currently part-staffed stations.<sup>117</sup> As a matter of public policy the Government should retain some control over the costs to the train industry by determining in regulations the reasonableness of the book-ahead requirement.

**73. The Government has failed to convince us that it is better to leave the determination of what constitutes a “reasonable” improvement to the DRC code of practice and, ultimately, the courts. We have no doubt that the DRC code of practice will be useful, but cost control, particularly in the rail industry, is one reason for our belief that it would be better to prescribe reasonable adjustments in regulations. The example of the book-ahead requirement demonstrates the wide variation in costs between different policy options. The rail industry receives significant subsidy, and franchise levels have an effect on the public purse. While legal challenges to regulations can never be ruled out, the Government could keep a tighter grip on the costs by determining the requirements in more detail in the first place.**

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<sup>115</sup> Department for Transport, *Consultation on lifting the exemption from Part 3 of the Disability Discrimination Act 1995 for Public Transport, Vehicle Hire, Breakdown and Leisure and Tourism Transport Services*, paragraph 10.1.11

<sup>116</sup> Department for Transport, covering letter to *Consultation on lifting the exemption from Part 3 of the Disability Discrimination Act 1995 for Public Transport, Vehicle Hire, Breakdown and Leisure and Tourism Transport Services*, 29 November 2004, emphasis added.

<sup>117</sup> Department for Transport, *Consultation on lifting the exemption from Part 3 of the Disability Discrimination Act 1995 for Public Transport, Vehicle Hire, Breakdown and Leisure and Tourism Transport Services*, paragraph 10.1.13

## 5 Conclusions

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74. There is a common theme to many of our conclusions in this Report: we would like the Government to take a keener interest in the detail and co-ordination of improvements to disabled people's access to transport. This does not require new legislation, aside from the Railways Bill which is currently before Parliament. We have attempted to be constructive and have not called for increases in resources. We simply believe that a firmer lead from the Government, unfashionable though it may be, could secure more tangible results for more disabled people more quickly than is currently the case. It would also allow the Government to retain better control over costs in the rail sector, which remain a matter of concern to the Committee.

## Conclusions and recommendations

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1. Regulations require audio-visual information systems on accessible trains, but not on accessible buses. This makes it more difficult for blind and partially sighted people in particular to use buses and to combine road and rail journeys. The anomaly seems arbitrary, rather than reasoned. The Government should reconsider whether audio-visual information should be mandatory in buses and coaches. Such systems appear to operate perfectly well in other countries, and some buses in the UK already have some automatic audio announcements. (Paragraph 12)
2. We cannot assess with any certainty whether the bus industry will meet the statutory deadline of 2017 to phase out buses which do not comply with the accessibility regulations. The Government, DPTAC and the bus industry should monitor progress towards this deadline by using robust and transparent national and regional statistics. We suggest they publish regular joint progress reports which highlight regional variations in the introduction of buses that meet the accessibility regulations. The benefits of accessible buses should begin to be felt country-wide before 2017, not just in some urban areas. If it appears that the 2017 deadline will not be met, or that certain areas of the country are being neglected, the Government, local policy makers and the bus industry should take corrective action. (Paragraph 16)
3. We welcome the provisions of the Disability Discrimination Bill which are intended to end the exemption of transport services from Part III of the DDA. The delay between the Joint Committee's Report and the Bill's introduction appears excessive, but we assume it will not jeopardize the Bill's passage this Session or the implementation timetable. After the Bill was introduced, the Government set out in a consultation paper the intended timetable for the relevant regulations. We assume this takes into account the Government's best assessment of the likely timetable for progress of the Bill, and we therefore expect the Government to ensure regulations enter into force by December 2006, as promised. If delays to the Bill or regulations occur, the Government must not offset them by delaying the publication of the Disability Rights Commission's code of practice. Doing so will simply increase pressure on transport operators. We shall continue to monitor the Government's progress. (Paragraph 21)

4. The Government wishes to wait until later this year to see the results of research into compliance with voluntary arrangements designed to secure better access to air and sea transport for disabled people. It will then decide whether regulations are necessary. We understand this reasoning, but it is no excuse for inaction in the meantime. The Department, the DRC and other interested parties must continue to raise cases of unsatisfactory provision with air and sea operators. It is presumably in the operators' interest that these arrangements remain voluntary. The Government should therefore publicise now the test it will apply when the research results are available. We suggest that test should be as follows: to escape statutory duties, airline and sea transport companies must prove that they provide services which meet disabled people's needs in the same way as operators in sectors where statutory duties do exist. (Paragraph 25)
5. The Government must ensure that the work of the Disability Rights Commission on transport matters is assumed fully by the Commission for Equality and Human Rights in a seamless and effective way. The timing of the changeover is awkward because it clashes with the planned extension of the Part III DDA duties to transport service providers. However, we recognise that there are few perfect moments for any organisational reform. The Government is the promoter of the change and ultimately determines the timing. The Government must therefore ensure that the resources and governance arrangements of the new single Commission do not undermine the DRC's efforts to secure smooth and meaningful entry into force of the new duties on transport service providers. (Paragraph 27)
6. We do not believe transport operators rely systematically on spurious health and safety considerations to avoid improving disabled people's access to transport. There can occasionally be a tension between health and safety, cost and accessibility. However, sometimes small increases in risk might bring significant improvements to accessibility. When tensions do arise between health and safety, cost and accessibility, transport operators must be able to seek authoritative advice to reduce the likelihood of legal action. The provision of advice must not be jeopardized when rail safety responsibilities move from the HSE to the Office of Rail Regulation, or when the Equality and Human Rights Commission replaces the Disability Rights Commission. (Paragraph 36)
7. Improvements to accessibility must be properly co-ordinated, even within one mode of transport. Accessible trains which serve inaccessible stations are of little benefit, as are wheelchair-accessible buses that cannot pull into the kerb to extend their ramps because of parked cars. The Government must use the duties it will re-acquire as a result of the Railways Bill, and the new franchise agreements, to ensure that accessibility is improved in a co-ordinated way on the railway. We recognise the expenditure constraints, however, these heighten the need for wise spending decisions and demonstrable improvements. If infrastructure and rolling-stock improvements are co-ordinated in a common-sense way, disabled travellers will experience significant benefits step-by-step, not only once all the improvements are complete. (Paragraph 40)
8. Disabled People's Protection Policies (DPPPs) are important because they offer clear statements of guaranteed access. They must be based on consistent interpretation of

the DDA across the rail network. They must not preclude the application of common sense. After all, disability discrimination legislation exists to improve access, not impair it. A disabled person who is accommodated on a train one day should not be refused access to the same rolling stock the next. When the Department for Transport assumes the strategic functions of the SRA as a result of the Railways Bill, it must ensure that train operating companies' DPPPs do not undermine sensible, informal solutions on those parts of the rail network where full access cannot yet be guaranteed. (Paragraph 46)

9. Walking must not become the poor relation of public and private transport as disabled people's access to transport improves. We welcome the detailed official guidance to help planners incorporate the needs of disabled people into street design. However, the Department for Transport should consider whether tactile paving and colour coding provide a sufficient barrier between visually-impaired people and cyclists on shared cycle track/footways. Visually-impaired people—and indeed all users of shared paths—need to know not only where the dividing line is between pedestrians and cyclists, but also that they are on the correct side of it. (Paragraph 50)
10. Disability awareness training for staff in the transport sector is desirable even now. It will be essential when transport operators are brought within the scope of the Disability Discrimination Act. The costs of this training to the transport industry will remain significant. Taxpayers, shareholders and passengers deserve to see a return for their investment. The training must be accredited and monitored to ensure it is of a consistent quality. However, simply going through the motions of training is not enough: the resulting service must be noticeably better for disabled passengers. The Government, local transport authorities, DPTAC and the DRC should consider whether “mystery shoppers” could be deployed systematically as part of ongoing service monitoring. (Paragraph 58)
11. Staff attitudes have a profound effect on people with learning disabilities. Staff training must therefore be improved to help meet their needs. Providers of disability awareness training should seek greater input from organisations which represent people with hidden disabilities, such as learning disabilities. This could include involving people with learning disabilities in the training so that they can meet members of staff. Customer care training should reinforce the business benefits of sensitivity and understanding. (Paragraph 59)
12. Court judgments on the “reasonableness” of accessibility improvements tend to provide certainty only in a specific case. We urge the Government to reconsider whether prescriptive regulations should be made to define more clearly what adjustments are reasonable in various parts of the transport sector. Without such leadership, we fear that Parliament and Government will lose control of both the extent and cost of making public transport accessible to disabled people. In our view, the determination of exactly what is “reasonable” is not a mere detail which could benefit from occasional clarification; it involves fundamental policy decisions which establish just how accessible transport is to disabled people. (Paragraph 66)
13. The Government has failed to convince us that it is better to leave the determination of what constitutes a “reasonable” improvement to the DRC code of practice and,

ultimately, the courts. We have no doubt that the DRC code of practice will be useful, but cost control, particularly in the rail industry, is one reason for our belief that it would be better to prescribe reasonable adjustments in regulations. The example of the book-ahead requirement demonstrates the wide variation in costs between different policy options. The rail industry receives significant subsidy, and franchise levels have an effect on the public purse. While legal challenges to regulations can never be ruled out, the Government could keep a tighter grip on the costs by determining the requirements in more detail in the first place. (Paragraph 73)

## Formal minutes

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*The following Declarations of Interest were made:*

Mrs Gwyneth Dunwoody, Member, Associated Society of Locomotive Engineers and Firemen

Mr Brian H. Donohoe and Mrs Louise Ellman Members of Transport and General Workers' Union

Ian Lucas, Member of Amicus

Miss Anne McIntosh, Industry and Parliament Trust placement with Network Rail and interest in Eurotunnel and First Group

Mr Graham Stringer, Member of Amicus and Director of the Centre for Local Economic Strategies

### Wednesday 23 February 2005

Members present:

Mrs Gwyneth Dunwoody , in the Chair

Mr Brian H. Donohoe  
Mrs Louise Ellman  
Ian Lucas

Miss Anne McIntosh  
Mr Graham Stringer

The Committee deliberated.

Draft Report (*Disabled People's Access to Transport: A year's worth of improvements?*), proposed by the Chairman, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 74 read and agreed to.

*Resolved*, That the Report be the Third Report of the Committee to the House.

*Ordered*, That the Chairman do make the Report to the House.

*Ordered*, That the provisions of Standing Order No. 134 (Select committee (reports)) be applied to the Report.

*Ordered*, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

[Adjourned till Wednesday 2 March at a quarter past Two o'clock.

## Witnesses

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### Wednesday 1 December 2004

**Charlotte Atkins MP**, Parliamentary Under-Secretary of State, and **Miss Ann Frye OBE**, Head of Mobility and Inclusion Unit, Department for Transport Ev 1

**Mr William Bee**, Director for Wales; **Mr Neil Betteridge**, Chairman, **Professor Peter Barker OBE**, Chair of Built Environment Group, and **Mrs Ann Bates**, Chair of Rail Working Group, Disabled Persons Transport Advisory Committee; **Mr David Congdon**, Head of External Relations, Mencap Ev 8

**Mr Neil Scales**, Chief Executive and Director General, Merseytravel; **Mr Mark Yexley**, Managing Director, London Bus, and **Mr Tony Depledge**, Development Director, UK Bus, Arriva; **Mr David Mapp**, Commercial Director, and **Mr John Yunnie**, Head of Disability and Inclusion, Association of Train Operating Companies Ev 13

## List of written evidence

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DAF 01	UNITE – National Federation of Royal Mail & BT Pensioners Incorporating British Steel & Rolls Royce & Bentley Pensioners	Ev 21
DAF 02	The Lord Bradshaw	Ev 23
DAF 03	Dash (Disablement Association Hillingdon)	Ev 24
DAF 04	ATOC (Association of Train Operating Companies)	Ev 24
DAF 05	Guide Dogs for the Blind Association	Ev 26
DAF 06	Leonard Cheshire	Ev 29
DAF 07	Tandem Club	Ev 32
DAF 08	Gordon Selway	Ev 33
DAF 09	Mark Blathwayt	Ev 35
DAF 10	National Federation of the Blind	Ev 40
DAF 11	Joint Committee on Mobility of Blind and Partially Sighted People and RNIB	Ev 44
DAF 12	Derby Access Group	Ev 48
DAF 13	Access Group Tunbridge Wells Borough Area	Ev 49
DAF 14	Department Of Transport	Ev 50
DAF 15	Health & Safety Executive	Ev 54
DAF 16	Disabled Persons Transport Advisory Committee	Ev 56
DAF 16 A	Supplementary memorandum by Disabled Persons Transport Advisory Committee	Ev 74
DAF 17	Ruth Youngs	Ev 60
DAF 18	Strategic Rail Authority	Ev 60
DAF 19	Disability Rights Commission	Ev 63
DAF 20	CTC	Ev 66
DAF 21	Merseytravel	Ev 68
DAF 22	Network Rail	Ev 72
DAF 23	Penny Bould	Ev 73

## Reports from the Transport Committee since 2002

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### Session 2004–05

First Report	Work of the Committee in 2004	HC 251
Second Report	Tonnage Tax	HC 299

### Session 2003–04

First Report	Traffic Management Bill	HC 144
Second Report	The Departmental Annual Report	HC 249
Third Report	The Regulation of Licensed Taxis and Private Hire Vehicle Services in the UK	HC 215-I
Fourth Report	Transport Committee Annual Report 2002-03	HC 317
Fifth Report	The Office of Fair Trading's Response to the Third Report of the Committee: The Regulation of Licensed Taxis and Private Hire Vehicle Services in the UK	HC 418
Sixth Report	Disabled People's Access to Transport	HC 439
Seventh Report	The Future of the Railway	HC 145-I
Eighth Report	School Transport	HC 318-I
Ninth Report	Navigational Hazards and the Energy Bill	HC 555
Tenth Report	The Work of the Vehicle and Operator Services Agency and The Vehicle Certification Agency	HC 250
Eleventh Report	National Rail Enquiry Service	HC 580
Twelfth Report	British Transport Police	HC 488
Thirteenth Report	The Rail Regulator's Last Consultations	HC 805
Fourteenth Report	The Work of the Maritime and Coastguard Agency	HC 500
First Special Report	Government Response to the Eleventh Report of the Committee: National Rail Enquiry Service	HC 1132
Second Special Report	Government Response to the Ninth Report of the Committee: Navigational Hazards and the Energy Bill	HC 1133
Third Special Report	Government Response to the Twelfth Report of the Committee: British Transport Police	HC 1134
Fifteenth Report	Financial Protection for Air Travellers	HC 806-I
Sixteenth Report	Traffic Law and its Enforcement	HC 105-I
Seventeenth Report	Cars of the Future	HC 319-I
Fourth Special Report	Government, Health and Safety Commission and Executive, and Office of the Rail Regulator Responses to the Seventh Report from the Committee, on the Future of the Railway	HC 1209
Eighteenth Report	Galileo	HC 1210

### Session 2002–03

First Report	Urban Charging Schemes	HC 390-I
Second Report	Transport Committee: Annual Report 2002	HC 410
Third Report	Jam Tomorrow?: The Multi Modal Study Investment Plans	HC 38-I
Fourth Report	Railways in the North of England	HC 782-I
Fifth Report	Local Roads and Pathways	HC 407-I
Sixth Report	Aviation	HC 454-I

Seventh Report	Overcrowding on Public Transport	HC 201-I
Eighth Report	The Work of the Highways Agency	HC 453
Ninth Report	Ports	HC 783-I
First Special Report	Government and Office of Fair Trading Responses to the Seventeenth Report of the Transport, Local Government and the Regions Committee, The Bus Industry	HC 97
Second Special Report	Government Response to the Committee's Fourth Report, Railways in the North of England	HC 1212

#### Session 2001-02

First Special Report	The Attendance of a Minister from HM Treasury before the Transport, Local Government and The Regions Committee	HC 771
Second Special Report	Government Response to the to the Fifth Report of the Transport, Local Government and the Regions Committee, Session 2001-02, European Transport White Paper	HC 1285
Third Special Report	Government Response to the Eighteenth Report of the Transport, Local Government and the Regions Committee, Session 2001-02, National Air Traffic Services Finances	HC 1305







# Oral evidence

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## Taken before the Transport Committee

on Wednesday 1 December 2004

Members present:

Mrs Gwyneth Dunwoody, in the Chair

Mr Jeffrey M Donaldson  
Mr Brian H Donohoe  
Mrs Louise Ellman  
Ian Lucas

Miss Anne McIntosh  
Mr John Randall  
Mr Graham Stringer

*Witnesses:* **Charlotte Atkins**, a Member of the House, Parliamentary Under-Secretary of State, and **Miss Ann Frye OBE**, Head of Mobility and Inclusion Unit, Department for Transport, examined.

**Chairman:** Good afternoon, Minister. Can I ask you before we begin if you would just give us a small indulgence, a little bit of housekeeping, members having an interest to declare?

**Mr Stringer:** I am a Member of Amicus and Director of the Centre for Local Economic Strategies.

**Mr Donohoe:** I am a Member of the Transport and General Workers Union.

**Mrs Ellman:** I am a Member of the Transport and General Workers Union.

**Chairman:** I am a Member of ASLEF.

**Ian Lucas:** I am a Member of Amicus.

**Miss McIntosh:** I have an Industry and Parliament Trust placement with Network Rail. I did have an interest in Railtrack. I currently have interests in Eurotunnel and First Group.

**Q1 Chairman:** Can I ask you firstly to identify yourself and your colleague for the record, and then perhaps you have something you would like to say to us before we begin.

**Charlotte Atkins:** I certainly would, but let me put on the record first that I am Parliamentary Under Secretary of State in the Department for Transport, and I would certainly like to make a few comments.

**Q2 Chairman:** Your name is?

**Charlotte Atkins:** Charlotte Atkins.

**Miss Frye:** I am Ann Frye, Head of the Mobility and Inclusion Unit at the Department for Transport.

**Q3 Chairman:** Minister, did you have something you wanted to say?

**Charlotte Atkins:** Yes, please. First of all, I would like to make a short statement, but first, of course, Mrs Dunwoody, I would like to say how pleased I am to be appearing before you in this Committee for the first time ever. I expect it to be a very challenging period, and I am sure I will not be disappointed because both your reputation and the reputation of your Committee goes before you. If I could make a few comments just to update on the memorandum, that would be very helpful. You have already seen our memorandum, so I am not going to take up time going over that material, but you will be aware that on 25 November the Government introduced the

Disability Discrimination Bill in the House of Lords. The Bill includes several measures on transport, which we have outlined in the memorandum. Once enacted, these will make a significant contribution towards achieving our goal of a truly accessible transport system. In particular, the Bill will enable us to extend the Part 3 duties to cover the provision and use of transport vehicles. It provides a regulation making power rather than removing the exemption from the face of the DDA. We recognise that Parliament will want to know exactly how we propose to exercise it, and so on Monday we issued draft regulations for consultation. Those regulations would apply the Part 3 duties to the provision of public transport services, which includes rail vehicles, buses, coaches, taxis and private hire vehicles as well as to vehicle hire, breakdown services and vehicles used in the leisure and tourism transport services. We believe that these measures will have a big impact on the mobility of disabled people in their every day activities. The Bill also provides for a number of changes in relation to the accessibility regime of rail vehicles. First of all, it will enable the Government to set an end date in the regulations by which time all rail vehicles will have to comply with the Rail Vehicle Accessibility Regulations. It will also allow the regulations to be applied to rail vehicles which are being refurbished. On Monday this week I made a written statement to the House announcing our policy proposals on which the draft regulations will be based. I have indicated our intention to set an end date of 2020 for compliance with the regulations and to require access improvements in line with the regulations for those features of a vehicle which are the subject of refurbishment plans. The Bill also includes two measures on the Blue Badge parking scheme. The first would remove the stigmatising term "institution" which appears on the face of some badges, while the second would allow for regulations to be made to provide reciprocal arrangements for badges issued in other countries. We will seek to introduce these new provisions as soon as possible after the Royal Assent. I hope the Committee will agree that these transport provisions demonstrate that we are making some progress, but much remains to be done. Thank you very much.

**Q4 Chairman:** We are grateful for that, Minister. We warmly welcome you, not only to your job, but also to the Committee. We have a long a reputation, as you suggest, for being gentle and understanding with ministers in your position, and one which I hope we shall continue. What would you say has been the most noticeable improvement since the Committee looked at the whole question of disabled people's access to public transport a year ago?

**Charlotte Atkins:** I think there were a number of issues. To start off with, before you started it a year ago we obviously had to ensure that rail vehicles were accessible from 1999. We have also introduced under sections 37 and 37A of the Disability Discrimination Act the duty to carry guide dogs and other assistance dogs in taxis and in other private hire vehicles as well free of charge, which I think is very important. On the taxi side we have been struggling with the design of taxis, and we have now come out with our conclusions in terms of accessible designs for taxis. We do have a real problem, given that we have a producer in the UK, in Coventry, coming up with designs which are workable, and, although we obviously want to introduce regulations and plan to do so over a 10-year period (2010 to 2020), clearly we need to find a solution which will, in fact, work. We have also been conducting two studies in relation to both shipping and to the air industry as well to see whether the voluntary codes are working in terms of disability accessibility.

**Q5 Chairman:** Those are all very laudable aims, which we all share, but we were really concerned with what has happened since this Committee looked at it 12 months ago, and the answer is not a great deal. Would you be surprised to know that a lot of our evidence on the part of, say, the rail industry, says it is all going terribly well, and then the next bit of evidence from the voluntary group says nothing has changed?

**Charlotte Atkins:** I would not be surprised, because there have been some cases which have had a very high profile, including, indeed, one of our own members of Parliament who was forced to share the guards van rather than travel in the passenger part of the railway carriage because, obviously, she was using a wheelchair. I know that cannot be acceptable and I know that you will share my disappointment that the slam-door trains are going to be continuing to be used until next year, whereas we had hoped, of course, that they would be withdrawn by the end of this year.

**Q6 Mr Randall:** I think it was your first Question Time where this particular was raised. You may recall that just after that another of our colleagues, the Honourable Member for North Wiltshire, raised the question where somebody who had been using a powered scooter—I think the name is Graham Coe—for the last six or seven years and now has been told that he cannot use it. So in some respects it has not only not got better, it has got palpably worse for some users.

**Charlotte Atkins:** What happened in that situation, and, of course, I promised Mr Gray that I would look into that issue and I did do so, was that the train operating company had left it, I think, to the discretion of the people on the station to decide whether a powered scooter could be carried on the train and had sought assistance, and so on. But what had happened was that in drawing up their DPPP's they had to say whether they were willing to carry powered scooters from all stations. As a result of that—having to say a “yes” or a “no”—they then had to decree that they would, in fact, say that they could not carry powered scooters.

**Q7 Mr Randall:** I have just contacted Mr Gray to see whether there was a resolution, because I remembered this particular case. He said that he had not heard from your Department, so perhaps you might want to check on that. There was also this question that the Department was supposed to be looking at kite-marks and they had ceased to do so. What was the position there?

**Charlotte Atkins:** To be honest, I am not sure about the situation with kite-marks. I know we were certainly going to be looking at that, and I do not know whether Ann wants to cover the issue of the kite-mark, but what I did want to raise with you is that the kite-mark is all well and good if you are going to buy a new vehicle, but, certainly from my constituency experience, a lot of these powered vehicles are exchanged, bought and sold on the second-hand market. May be Ann will take up the kite-mark issue.

**Miss Frye:** The first stage of what we have done is to work with the British Health Care Trades Association who represent the wheelchair manufacturers and suppliers, and we have produced a publication called *Wheels within Wheels*, which gives details of the large range of scooters and wheelchairs currently available in this country and which of them are compatible with use on public transport, because some of the scooters are simply too big—they cannot be accommodated—and we are very anxious that disabled people have that information before they purchase. That was the first stage. The next stage, which we have not given up on but it is quite a long process, is to try to develop some kind of a labelling system. Whether it is technically a kite-mark or some other form, I do not know, but we want to have new wheelchairs and scooters labelled as transport compatible so that if that label is not there you know you will probably have problems on public transport. The difficulty, as the Minister said, is the large number that get transferred through the second-hand market and the very large number coming in from overseas. The number manufactured in this country is very small, so it is quite a challenge, but we are working with the industry to get that done.

**Q8 Mr Randall:** What I am trying to get at is why a particular scooter was acceptable for six or seven years and now you say it is not able to be accommodated. What has changed? Is it the Health and Safety Regulations, or is it the carriages, or what

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is it, because it seems to have got worse for these individuals? If they have already invested in one of these things and it has been accepted, they are going to be very disappointed to suddenly find they are excluded from transport?

**Charlotte Atkins:** As I understood it, it was left to the discretion of the people at the railway station and the train operating company—and it is always the train operating company that decides whether they can take scooters or not—then had to decree whether or not they were going to be taking scooters.

**Q9 Chairman:** We are going to come back to the train operating companies, because unfortunately this is not their only problem. Will the creation of a single commission for equality in human rights, which is going to take in the Disability Rights Commission, reduce the amount of work that is done to promote disabled people's access to transport?

**Charlotte Atkins:** I certainly hope not. I would have thought—

**Q10 Chairman:** We would hope not, but that is not quite the question.

**Charlotte Atkins:** Absolutely. I cannot tell you absolutely whether that is the case or not, to be absolutely honest, but I would certainly hope that, as we work through these issues and we recognise the whole range of challenges that we face, disability should be very much at the top of the priority list as far as the Commission is concerned.

**Q11 Chairman:** The Government are quite clear in their own minds, because it has taken some time to do this. You will forgive me pointing this out, Minister, but we are apparently in the run up to the next General Election and this has been a commitment for a very long time. It has taken a great deal of preparation to get us this far?

**Charlotte Atkins:** I understand that, and I can understand your frustration in terms of the delays—I share those frustrations absolutely—but I think that we are now making some progress and a lot of things that are going on at the moment will help raise the profile of disability discrimination, which is very acute.

**Q12 Mrs Ellman:** When consideration was being given to setting up the single commission was the Transport Department asked to submit any views on that in relation to its impact on disability?

**Charlotte Atkins:** I do not know if that is the case. I certainly am not aware of it. I do not know whether anyone can help me.

**Miss Frye:** We certainly did feed in at the time that the discussions were going on about the importance of continuing focus on disability, but, of course, we also have our own statutory Disabled Persons Transport Advisory Committee, who are the Department's own statutory advisers on transport; so we have, if you like, that in-house capability, but we did make the point of the importance of the single commission having that function.

**Q13 Mrs Ellman:** Are you satisfied with the result? Do you think your views were considered?

**Miss Frye:** It remains to be seen. At the moment we are looking at a structure without the substance on it.

**Q14 Mrs Ellman:** What can the Government do to ensure more coordination in securing access for disabled people to trains and stations in a coordinated way?

**Charlotte Atkins:** I know the SRA has an access fund. We are consulting the whole arrangements for that access fund: because I recognise that 60% of stations are not accessible. Some of those will need very serious changes to make them accessible, and in that situation obviously alternative arrangements have to be made, but in some stations it is quite possible to make small changes, and hopefully this access fund will enable the SRA, or its successor body, to ensure that this fund is used most effectively in terms of accelerating the amount of accessibility we have at stations.

**Q15 Mrs Ellman:** But that is about another body, and it is looking simply at stations. What can the Government do as the Government or the Department as a specific department in looking at coordinating accessibility to both trains and stations?

**Charlotte Atkins:** Clearly, under the new Railways Bill, we are hoping, should Parliament allow us to do so, to take a much greater role in running the railways via Network Rail, and certainly it is a priority for the Department for Transport to ensure that accessibility and absence of discrimination is a priority for us, and, because we are also going to have fewer franchises, it means that we will have a much more hands-on approach towards disability and other issues within the railway industry.

**Q16 Mrs Ellman:** Is there anything specific in the Railways Bill or elsewhere that means the Government can influence what is in those franchises so that there is a coordinated approach to accessibility for trains and stations together everywhere? Will the Government take that role in determining what should be in the franchise?

**Charlotte Atkins:** Certainly accessibility is an important part of the rules we lay down, whether it be in local transport plans or whether it be in franchises, to ensure that accessibility is a part of our overall structure.

**Q17 Chairman:** Forgive me, I know this seems almost impossible in this day and age, but there are stations in this country where nobody can even get a lift to get from one platform to another. You do not have to be disabled; you just have to have a big case to discover that you cannot get from one platform to the other without staggering up three or four flights of stairs. Over a period of seven years what can you demonstrate to us the Minister has done, the Department has done, to insist on ATOC looking at all of its member companies and asking them what they are doing about straightforward access?

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**Charlotte Atkins:** Certainly the stations are now included within the access regulations, but clearly it is an issue of, as you know, reasonableness and the balance between accessibility and affordability, I suppose, in terms of railway stations.

**Q18 Chairman:** This is so fundamental. There is no point giving access if you have no trained staff so that when people arrive there is no-one to help them; there is no point in giving access to a station where there are no trains. Is there now a very urgent view in the Department that we cannot really wait any longer, we have to have this kind of straightforward decision-making pushed to the front of the queue?

**Charlotte Atkins:** You are absolutely right, and, now that we are taking greater control of the railway industry, that will help us. We have been struggling, as you know, to bring the railway industry under control, under cost control as well as under control in terms of ensuring that the franchises do not fragment the railway industry as it has over the last few years. We are struggling with that. We are putting a huge amount of investment into the railway industry. Part of that investment must be to ensure greater access.

**Q19 Chairman:** What was the answer to the question Mrs Ellman asked you?

**Charlotte Atkins:** She asked me what we could be doing.

**Chairman:** Exactly, as a department.

**Q20 Mrs Ellman:** As a department, not what somebody else might do?

**Charlotte Atkins:** No; absolutely right.

**Q21 Mrs Ellman:** What are you going to do as a department?

**Charlotte Atkins:** We are bringing the railway industry under greater departmental control, and part of that process is to ensure that our railway stations are more accessible, not just accessible but pleasanter places for everybody to be.

**Q22 Mrs Ellman:** Would you make it a requirement for all franchises to provide trains which are accessible to disabled people?

**Charlotte Atkins:** They will all be accessible to disabled people by the end date of 2020. That is certainly the case. What we are also saying is that when trains are refurbished that those items which are refurbished will have to be accessible as well.

**Q23 Mr Stringer:** I think I am right, Minister, in hearing you say that you were consulting on whether voluntary codes should still apply to aviation and shipping. Why do we need a consultation when we had Mr McNulty here 12 months ago and heard evidence that blind people were not being allowed on ferries, and we have evidence before us today that deaf people are not being allowed on Iberia and EasyJet? Why do we need a consultation? Why do not we just stop this discrimination happening?

**Charlotte Atkins:** At the moment we have the voluntary code. We have been reviewing that in terms of whether we need to bring it under the DDA, and that is the process which we are undertaking at the moment. Certainly the changes to the DDA mean that we can now remove that voluntary code and introduce compulsion. We can do that now that we have got the Disability Discrimination Bill about to go through Parliament. We have got that option.

**Miss Frye:** I wonder if I might add to that. The voluntary code of practice which applies currently is for the UK industry. So Iberia, for example, would be outside that code. We are however, working—

**Q24 Chairman:** They fly in here.

**Charlotte Atkins:** They fly in here.

**Q25 Chairman:** Do we not have an impact on people who fly in here in terms of health and safety?

**Ann Frye:** I think health and safety possibly, but the issue we have discovered that caused the problem with Iberia is down to something called JAR-OPS, which is the operational manual by which pilots operate, which currently places a limit on the number of people with reduced mobility. Clearly that should never have been applied to deaf people. We have taken this up because it is an international manual. We are taking it up to try to get it amended. The captain consulted his operational manual and did what he thought was right, so the fault, I think, is in the international code that is behind it. We needed both aviation and shipping to be working at international level as well as at domestic level if we are really going to make a difference, and that is what we are doing.

**Q26 Mr Stringer:** That is very helpful. Minister, you said that we will have the power. Do you intend to use it to stop this discrimination? Is it your objective?

**Charlotte Atkins:** We are doing research to see how significant the problem is. If the voluntary code is not seen to be working, then we will use compulsion, yes.

**Q27 Mr Stringer:** But I go back to the original point I made. The voluntary code is not dealing with EasyJet, it is not dealing with one ferry company who are not allowing disabled people on to their ferries, so are we going to carry on the voluntary code or are you going to do something about it?

**Charlotte Atkins:** Now that we have lifted the exemption, or now that we are about to lift the exemption for transport services—certainly it has been the case whereby you could have, say, a bus which is accessible and the driver might refuse access to someone who had a disability—that will change, and we hope that both aviation and shipping will also comply with that. If we feel that the voluntary code which is presently operating is not sufficient, then we will take action.

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**Q28 Mr Stringer:** But it is not sufficient, is it? There is discrimination happening on a daily basis. Do you not think it would be helpful if you frightened some of these companies that are discriminating against disabled people?

**Charlotte Atkins:** This is why we are doing the research work at the moment. I do not know when that research work is likely to be completed. I am told in the course of next year. When we have seen that research work, if we feel that is the case—you say it is happening on a daily basis—if it is happening on a daily basis, we will certainly take action, but I think we should wait for the research work first.

**Q29 Mr Stringer:** I do not know if it is happening on a daily basis; I assume it is. We had evidence before this Committee, and it was visited with your predecessor, and nothing is being done. The evidence is there, and I would have thought that the Government should be setting out its stall to stop these companies doing this?

**Charlotte Atkins:** We will certainly be doing this. We will wait for the research and, as soon as we have that, we will act on it. We have certainly made it clear that it is inappropriate to discriminate in any way against people with disabilities.

**Q30 Mr Stringer:** Can I go back to Mrs Frye. It was a very interesting answer you gave on Iberia. What is the situation with EasyJet?

**Miss Frye:** I do not know the background entirely, but I think again the same international manual that pilots operate by may have had an impact there. I think the other issue in those cases is that this was a large group of people, and certainly in the case of Iberia they had not notified of their intention to fly. The European code does ask that disabled people travelling in groups notify that they intend to do so. While it is not an excuse, the problem was the exacerbated by the fact that they turned up on board and nobody knew that they were coming in that sort of number. It is not a fundamental problem in law; it is a problem of practice and perception that we need to deal with here.

**Q31 Mr Stringer:** That is not quite what the evidence from the Disability Rights Commission says. It says that the reason was that the disabled people, the deaf people, could not hear the safety instructions; nothing to do with numbers?

**Miss Frye:** I think there have been a lot of differing press reports and misunderstandings on it. Our information is that it was the operational manual that caused the problem, but, as I say, the fact is that it is an issue that we can deal with best at European level by giving clear guidance to airlines on the different disability issues. Clearly a group of deaf people should be no more at risk than people who do not speak the native language that is used on the aircraft.

**Q32 Mr Stringer:** Precisely. Minister, do you believe that exaggerated health and safety considerations or excessive fears about liability sometimes prevent the implementation of sensible measures which would improve accessibility?

**Charlotte Atkins:** I think that is absolutely right. I am told that there are such things called barrow crossings—I believe there are something like 180 in the country—which have been used in some areas quite successfully to allow people with a disability, wheelchair users, to cross the line. Clearly in a high speed train situation it would be not a very sensible policy, but, where you have a low speed line and visibility is fine, it seems to me that there should be no problem. I think health and safety on occasions can give the impression that that is foremost rather than the need to make all transport accessible.

**Q33 Mr Stringer:** This Committee has found evidence that the Health and Safety Executive gold plate a lot of their requirements, and I think you are agreeing with this. In those situations where you believe the Health and Safety Executive are making it more difficult for disabled people to access transport in a balanced way, what are you going to do about it?

**Charlotte Atkins:** All we can do is to look at the individual instances and obviously rule on those or encourage whoever the operator is to ensure that a sensible approach is taken: because certainly health and safety, whether it be youngsters in school or whether it be dealing with disability, should be taken as part of the overall assessment of the situation.

**Q34 Mr Stringer:** How will you approach operators to do that? Take a real example in my briefing notes, the grab handles that can help people who have difficulty in walking are being recommended to be removed because people train surf on them. What will you say to train operating companies about that situation?

**Charlotte Atkins:** It would largely be an issue for the train operating companies to make that decision, but clearly it seems to me that by placing those handles in such a way that they could not be grabbed from the outside in that way, if someone is getting off a train, for instance, grab handles could be located in a place where they could be used by people who need them for their disability but not by people who are going to be surfing on the back of a train.

**Q35 Mr Stringer:** They have to get on the train first?

**Charlotte Atkins:** I appreciate that, but there has to be a sensible approach. I do not know whether you want to add anything?

**Miss Frye:** There are technical ways of looking at how we position handles—whether they can appear as the doors open, and so on—that enable disabled people to gain access without leaving the temptation behind for youngsters to surf afterwards. We are looking at technical ways of dealing with the positioning of the handles.

**Q36 Mr Stringer:** When could you expect to have a solution to this problem?

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**Miss Frye:** It is a continuing exercise. You are right, we need to make sure that we are not making it worse for disabled people, so we just have to try different solutions, but we are working with the rail industry and with researchers to try and improve on the design features which are there and make sure that we do not have unintended consequences such as that one.

**Q37 Miss McIntosh:** Minister, you did actually say that you are about to lift the exemption for transport services. Why have the Department not lifted the exemption before now?

**Charlotte Atkins:** The exemption was there. We have now got the vehicle of the Disability Discrimination Bill by which we can do that.

**Q38 Miss McIntosh:** You will be aware of the fact that Leonard Cheshire have expressed their disappointment that you have not decided as yet to remove the blanket exclusion for transport providers. I think they feel that the situation would have been helped if you had lifted the exemption earlier.

**Charlotte Atkins:** We did need a vehicle like the legislation to do that. If we could have done it by regulation, I am sure we would have done it, but we did need primary legislation to do that. That is the problem.

**Q39 Miss McIntosh:** You have been there for seven years?

**Charlotte Atkins:** This is true.

**Q40 Miss McIntosh:** I have a barrow crossing at Thirsk. It is manned between 10.00 a.m. and 6.00 p.m. It is a low speed line, but there is a problem, Minister. The problem is—I do not know if it is health and safety—that someone has to ring ahead if you are disabled or if you are a passenger with heavy luggage and ask the operating company members of staff to come along and physically unlock the gate. Between 10.00 and 6.00 it is not a problem, but after six o'clock. Would you not classify that as continuing on-going discrimination against disabled people because many of them presumably will be travelling for legitimate purposes, may be coming back from work or from holiday after six o'clock?

**Charlotte Atkins:** What you are saying is that it can be done but it has to be prior notice.

**Q41 Miss McIntosh:** It has to be prior notice and, obviously, it is holding back a member of staff to what is, after six o'clock, acceptably a less busy time. To be fair, I think the train operating companies are being reasonable, but obviously for disabled people and those with heavy luggage it is causing a problem?

**Charlotte Atkins:** Clearly they are being reasonable and I have to say that it is unfortunate very often that disabled people do have to plan ahead. I know that some people object to that, but in our research when we were looking at people who hold the Disabled Persons' Rail Card they were, in fact, saying that they did not see this as being a problem.

I am not talking, of course, about your barrow crossing, but in general terms this issue of notifying the authorities 24 hours before travelling. Of course, nowadays many of the train operating companies have various concessionary travel arrangements, and these often have to be claimed by booking in advance, so I think increasingly a lot of us book in advance when we are on public transport.

**Q42 Miss McIntosh:** It would appear there is a certain, if you like, equality of approach between the railways and airlines in that regard?

**Charlotte Atkins:** Absolutely.

**Q43 Mr Donohoe:** What is your department doing in terms of what some describe as a blatant misuse of disabled passes on cars, the parking of cars?

**Charlotte Atkins:** There are something like 2.3 million users of the Blue Badge, I understand, and, needless to say, there is some abuse. I do not know how extensive that abuse is, but what I do know is it is a scheme which is highly valued by the people who use it. We have had a few problems, I know, with the display of the badge and there have been some unfortunate situations where people have been fined, but that is why we have a badge which is very clear which also can extend to other countries as well under reciprocal arrangements. We do our best to ensure that this is not abused.

**Q44 Mr Donohoe:** Can I to move on to something else, the underground in terms of the Disability Discrimination Act.

**Charlotte Atkins:** I am sorry, about what?

**Q45 Mr Donohoe:** The underground, the London Underground?

**Charlotte Atkins:** The underground, as I think Scope probably indicated today, is not fully accessible. Indeed, when I accompanied my own constituent down from Stoke-on-Trent to Euston we had to use a taxi to get to the House of Commons and to the Department of Transport; so it is not accessible, but, of course, as with other train services, it will have to be accessible in the future.

**Q46 Mr Donohoe:** Why do you not ring-fence the monies that you are making as an advance to these companies? Why do you not ring-fence disability and say that that is what the money must be spent on? Why do you not do that?

**Charlotte Atkins:** Certainly when we have new services like the Jubilee Line coming on stream, they do have to be accessible. What we have got to do is strike a balance between making everything accessible straightaway and the costs of doing that. That is why we came up with the 2020 end date rather than earlier dates, which many organisations, quite rightly, would have preferred.

**Q47 Chairman:** What is happening, of course, is that when the Government runs away from its leadership role it is the courts that take these decisions, and they do not wait until 2012: somebody brings a case to a court and a decision is taken. For example, how do

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you justify your conclusion when you say in the consultation paper, “Removal of Part 3 exemption from providers of transport services will not present a significant additional burden?”

**Charlotte Atkins:** I think because most service providers have moved in that direction.

**Q48 Chairman:** But the cost to service providers, just rail services, training in disability awareness—we have just heard about this—recurring costs: £6.7 million per annum, full staffing of unstaffed and partly staffed stations: substantial. I could go on and on. Taxi and private hire, vehicle hire, the one-off cost to the rail industry of providing full staffing not quantified by you and the annual estimated cost of £45–£135 million. Is that not significant?

**Charlotte Atkins:** Of course it is significant, but it is a matter of whether it is reasonable or not, and we think it is.

**Q49 Chairman:** You actually said—these are your words from this covering letter, not mine—“They will not present a significant additional burden.” If I were being unkind, which, of course, I never am, I would suggest that one reason why we have this tremendously elongated timetable is that you know these are very considerable burdens and you are not either giving leadership of the sort that would force some of these companies to respond nor seriously discussing with them what it is going to cost?

**Charlotte Atkins:** The reason we chose, for instance, the 2020 end date as opposed to 2017, was because our information was that it would double the cost to go for 2017.

**Q50 Chairman:** Double the cost?

**Charlotte Atkins:** Yes.

**Q51 Chairman:** So you have got very clear assessments, but you did not think to make them public?

**Miss Frye:** I think we have made those costs public. It is simply a question of looking at how many trains would need to be scrapped before the normal end of their working life, and those figures are available.

**Q52 Chairman:** I think, frankly, Minister, if I may just ask you one final thing, this Bill has been awaited for a very long time. It is going to bring with it very material changes within the structure of government. What have you personally as the Minister told your colleagues about the responsibilities of a group of organisations like Roscos, who own the rolling-stock? What have you

said about their responsibility for making sure that their vehicles are accessible, what have you said about your views of how you can bring about the changes we are talking about and what effort is the Government making to shorten this incredibly long timetable?

**Charlotte Atkins:** We have obviously come up with the end date, but that does not mean that we do not do anything in between times. As you rightly pointed out, training is a very important part, very often, because, as we get the new rolling stock, as we get the new buses, we certainly have got far more accessible vehicles. We have something like 3,800 accessible rail vehicles and another 700 coming on in the next year or so; so we are making progress in that sense, but we also want to make sure that when those vehicles are being refurbished that they are then—

**Q53 Chairman:** Do you say to the other half of your Department, “We need to have some way of controlling the level of provision of the bus companies both in proper staff training and in accessible vehicles”?

**Charlotte Atkins:** Indeed I was talking to representative from Cheshire County Council earlier on today about those very issues.

**Q54 Chairman:** The one thing that is quite interesting about Cheshire is that in this sense it is almost unique. The work of Cheshire County Council, both in the provision of buses and the provision of school buses, is way ahead of a lot of other people. Can you assure us that you are going to say to the bus companies, “Enough of your broken down old buses; enough of the fact that you are still driving museum pieces. We want properly trained staff, we want properly trained drivers”, which would be quite nice, “and we want some responses”?

**Charlotte Atkins:** The problem that we get is that in London, of course, 90% of buses are accessible. It will be 100% by next year. In some urban areas it is 80%. Overall something like 38% of buses are accessible, but you and I, Mrs Dunwoody, have the problem that we are living in counties like Cheshire and Staffordshire where often we do not get the most up to date buses. This is a real problem and it is a problem that I am taking up with bus companies via the Bus Forum but also, of course, just like you do, as a constituency MP.

**Chairman:** Thank you for coming. We will have a long list of things to say to you in the future, and, with any luck, I will be dead before the deadline is reached!

*Witnesses:* **Mr William Bee**, Director for Wales, Disability Rights Commission; **Mr Neil Betteridge**, Chair, **Professor Peter Barker OBE**, Chair of Built Environment Group, and **Mrs Ann Bates**, Chair of Rail Working Group, Disabled Persons Transport Advisory Committee; and **Mr David Congdon**, Head of External Relations, Mencap, examined.

**Q55 Chairman:** Good afternoon, ladies and gentlemen. May I ask you first, from my left, your right, to identify yourself for the record?

**Mr Congdon:** David Congdon, Head of External Relations at Mencap.

**Professor Barker:** Peter Barker, member of the Disabled Persons Transport Advisory Committee.

**Mr Betteridge:** Neil Betteridge, Chair of the Disabled Persons Transport Advisory Committee.

**Mrs Bates:** Ann Bates, Rail Working Group Chair and member of the Disabled Persons Transport Advisory Committee.

**Mr Bee:** Will Bee, Wales Director for the Disability Rights Commission.

**Q56 Chairman:** Am I to take it that you are prepared to go straight to questions, or did any of you have anything you wanted to say? Let us start off by asking you if there has been any noticeable improvement in access to public transport since we looked at this issue a year ago?

**Mr Betteridge:** There have certainly been some modest improvements. I think many disabled people and others are still frustrated at the painfully slow pace of change in many areas. If we were to highlight a couple of the areas where we have seen progression, the accessibility of buses for mobility impaired people, for example, is something where we have seen a slow and steady increase of something like a 4% annual rise from 14% to 18% of accessible buses for people who use wheelchairs and have other mobility issues; that is leaving aside sensory impaired people who have seen no progress on issues such as audio visual information. We heard earlier from the Minister about modifications through primary legislation to the Blue Badge Scheme, and that has been very welcome. There are many other improvements to the Blue Badge Scheme which do not require primary legislation and on which we still require political will to see those go forward; so that is another area of frustration. We still operate in a system whereby significant areas for disabled people, like the use of taxis, are still on the whole unregulated, but in some contexts we are seeing developments, so it is a mixed picture.

**Q57 Mrs Ellman:** What are your views on the problem of lack of coordination of access to trains and stations? How do you see that problem and what do you think should be done to improve the situation?

**Mr Betteridge:** I will ask my colleague, Ann Bates, to answer that.

**Mrs Bates:** I think we need to make sure that it is really important that a journey is seamless for disabled people. I think there is no point being able to get on the station at one end and not being able to get off at the other. Personally, I am not a fan of, but I would see the reasoning behind, booking ahead. I think we need to look at it from a different point of view and I am encouraging train operating companies to make their booking lines into 0800

numbers so it encourages people to book ahead. So rather than just wringing their hands about the people who turn up, they should be making active encouragement for people to book ahead; then they can make robust plans about what would happen to people at stations and on trains. I believe that in my lifetime not every station will be accessible, but I think they need, again, robust plans to transport people who find difficulty at stations too. Personally, I do not want to get on at an unstaffed station; I would much prefer to be taken to my nearest staffed station that has refreshments, a toilet and staff, and go on my way from there, but it should not be at my cost, it should be at the train operating companies' cost to take me there.

**Q58 Mrs Ellman:** How big a problem is this? You mentioned the difficulties of disabled people to get on a train at one station but not being able to get off on arrival, or not being able to move around the station. Is this a very regular problem?

**Mrs Bates:** Yes. Habitually there has been a lack of information about each station. I think Railtrack and Network Rail have not had a terribly good grasp of what facilities there are. A start was made on this with the Disabled Persons Protection Policies, where train operating companies looked at all the stations that they ran and looked for step-free access at those stations. I think it is important that we get a proper database about what stations have what facilities, and then we can work from there. At the moment, although some work has been done and John Yunnie at ATOC has produced a step-free map, I think there is still a lot of work to be done about the details of what facilities there are at each station.

**Q59 Mrs Ellman:** You are saying that there needs to be more work on providing accessible information?

**Mrs Bates:** Very much so. The booking service, although I use it, I think is far from robust as well. I also work for the Rail Passenger Users Committee, and we have figures that suggest that for at least 60% of journeys the booking fail. We are looking to get the booking system vastly improved so that people can have confidence, because at the moment, especially for wheelchairs users, there are new trains running around with wheelchair spaces but not enough wheelchair users confident enough to use them.

**Q60 Mrs Ellman:** What are the general views on the requirement to book ahead? You seem to be suggesting that booking ahead is acceptable and that it does not always work effectively?

**Mrs Bates:** No, I would prefer not to book ahead at all. I do not see why we should book ahead at all, but I am a pragmatist and in the real world out there I would like to have some assurance that when I get on a train I stand just some chance of getting off it. I need a ramp to get off a train, so even an RVAR compliant train is still not accessible to me without

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a ramp; so I need to book the man with the ramp at the other end, because I have overshot stations on numerous occasions.

**Q61 Mrs Ellman:** Are you saying that in practical terms the requirement to book ahead is acceptable in current circumstances but ideally it would be better if everything worked?

**Mrs Bates:** Exactly. I think that train companies would learn more if people booked ahead. They would have a ready pool of people who they could call on for advice about things like that. Ideally I would like it not to be so, but in the current climate I believe it is best to book ahead.

**Q62 Mrs Ellman:** Are staff generally sufficiently well trained to assist people with disabilities?

**Mrs Bates:** It is very patchy. There are pockets of good practice within the rail industry and there are very poor train operating companies.

**Q63 Mrs Ellman:** Do you have any views on buses?

**Professor Barker:** May I start with trains. Clearly making railway stations wheelchair accessible is going to be expensive, but there are opportunities lost on a day to day basis through ordinary maintenance spending and minor improvements to make some improvements in access. For example, when hand-rails on stairs are improved, they should be upgraded to better designs; when seating is replaced it should be replaced with seating that people can actually use; when stations are repainted they should be repainted in colours that make it clearer for people and the lighting can be upgraded. These are relatively minor expenses. When we get to signage and public information systems, it is well-known, if only people attempted to look at it, that the new plasma screen systems are not effective—they are not visible—and yet we see them continuing to be used. In the case of painted signs, many of them do not conform with standard guidance that is available. The conclusion I reach is that the maintenance of stations and the management of stations is just not being done terribly well, and money is being wasted and opportunities lost. When we get to buses, the word “accessibility” is a big problem. We hear that by 2017 buses will be accessible. That is not true. Buses will be wheelchair accessible, and that is a wonderful achievement, but that leaves outside two million people with a serious sight problem, two million hearing impaired users, and I do not know how many hundred thousands of people with learning difficulties who do not like to use buses because they feel unsafe and they cannot use them independently because, although they may be able to get on a bus, they do not know where to get off; there is no information system that tells them where to get off the bus. There is an overwhelming case for an on-board audio-visual system on buses. There is very little credible evidence that other passengers, able-bodied passengers, put it that way, do not like the system. The technology is available. It works. It would seem that there is no ministerial objection, because Tony McNulty is on record a

couple of years ago saying that he was encouraging the Department to move towards introducing an amendment to the regulations. DPTAC encouraged the Department.

**Q64 Chairman:** Mr Barker, we will have to ask for a little discipline. Forgive me; we have got lots of people wanting get in now. On the same thing, Mr Betteridge, because I would rather move on to something else.

**Mr Betteridge:** Can I say one sentence, if I may. On training in the bus industry DPTAC has been working with the Department for Transport over the last 12 months to produce a DVD or video on best practice in terms of conduct with disabled passengers. So that is good. That will form part of the NVQ, which will be a necessary part of bus drivers’ training the future, but the problem is going to be about enforcement: how on earth do we enforce this? For disabled people whose impairment is invisible to bus drivers I suspect there will be problems for a long time to come.

**Q65 Chairman:** Very quickly, Mr Congdon on training?

**Mr Congdon:** Can I just deal with the accessibility point, which is really what I wanted to come in on? Usually accessibility is spoken of in terms of physical access to stations and trains, and that is very understandable. Mr Barker, quite rightly, extended that to the issue of people with a learning disability who have a particular issue around information and signage being very clear to them so they can find their way round the system; but the issue about audio-visual equipment goes to the heart of it. We understand that there are issues at the moment about the technical side of audio visual equipment on buses. Whether that is right or whether that is wrong, in a sense, is almost irrelevant, because it is a problem. Why can we not get to a situation where drivers on public transport give out announcements to passengers.

**Q66 Chairman:** It might not always lead to clarity!

**Mr Congdon:** It could be the wrong place, I know, but in terms of giving information to people, it is very important that they have that information. It is not just for people with a learning disability, it is loads and loads of passengers, and it would be beneficial to the operators because more people would feel confident in using that transport. I wanted to make that as an important point around the issue of accessibility.

**Q67 Miss McIntosh:** Mr Betteridge, you said that there was a lack of political will. I wonder if you could clarify that. Would you also accept there is a certain degree of lack of clarity still and ambiguity as to which operator is responsible for what?

**Mr Betteridge:** Which mode?

**Q68 Miss McIntosh:** Railways, mostly.

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**Mr Betteridge:** I will pass over to one of my colleagues who is a rail expert in a moment. My point initially on lack of political will was about some of the changes we still need to see round the Blue Badge scheme.

**Ms Bates:** Yes, there is a lack of co-ordination. I think ATOC will say that they are a consultative group but, especially around things like staff training, there should be a consistency, because passengers do not see the difference between one train operating company and another.

**Mr Bee:** I think that—and it is something I need to relate to previous points—the whole issue of planning for access for disabled people within the rail industry runs far behind the whole of the rest of British industry. The Disability Rights Commission spent much time talking to retailers, public bodies, and local councils about their duties which came into effect on 1 October this year, and every one of them had strategies in place. The Strategic Rail Authority publishing its strategy next year for duties that came into effect on 1 October 2004 to me shows an unacceptable level of planning and co-ordination.

**Q69 Miss McIntosh:** I am in a very privileged position because I am spending time with Network Rail and they do a monthly update. One last question to DPTAC. You say in your memorandum that private cars will remain vital for some disabled people to travel, and you mention also that the congestion charge is working fairly effectively. If the congestion charge does go up to £8, will that have a serious impact on you, and if it is introduced into areas other than London, or if it is extended in London, do you have a view on how that will impact your members?

**Mr Betteridge:** The congestion charge in London has, as you say, worked fairly effectively from the point of view of disabled people, largely because the exemption system has worked quite well for most people. People who have a Blue Badge or other forms of disability identity can use the system reasonably effectively, so that should not impact too adversely, and we would want to see the same sort of robustness about exemptions in other cities, if developed.

**Q70 Mr Donaldson:** Are you concerned that the proposal by the Government in the Queen's Speech for a new Equality and Human Rights Commission will reduce the Disability Rights Commission's ability to promote disabled access to transport?

**Mr Bee:** It will, in that we will be abolished. The legislation will abolish the Disability Rights Commission. We have argued strongly, and I think to a large degree so far successfully, that the timing for disabled people of this change is critical. The Government have indicated they expect to remove the exemption from the transport industry at the end of 2006. The indications are that the Commission for Equality and Human Rights will come into effect early in 2007. Our ability to inform disabled people of those changes and to help industry prepare for

them is bound to be hampered by that timing. We have been reassured to some extent by the commitment to establish a Disability Committee which will have a majority of disabled members, and there will be a disabled commissioner. We still seek reassurances about the structure and powers of that committee, in particular with regard to some of the transport provisions under part 3 and under part 5 of the Disability Discrimination Act, and we seek reassurances that the committee will have resources available to it to carry out its functions, and it will not be simply a talking shop. Without staff support, it will not be an effective advocate for disabled people to ensure that the new duties under the Disability Discrimination Act are implemented effectively.

**Q71 Mr Donaldson:** Has the introduction of the final duties under part 3 of the Disability Discrimination Act in October improved disabled people's access to transport, in your opinion?

**Mr Bee:** I think, as I stated earlier, we have seen less sign of planning and preparation for those duties particularly in the rail industry than in almost any other major service provider. It was why we supported the Roads case against Central Trains and why we are looking for other cases which will highlight the lack of planning. The process of the Court of Appeal hearing emphasized that Central Trains did not strengthen their position by their failure to complete their DPPP, their disabled persons protection policy, by the timetable set, and that this meant they had no basis for raising issues of cost as a defence to the action which we brought. This is a warning to all the train operating companies that they must be taking effective steps to plan how they intend to improve access to disabled people for their facilities.

**Q72 Mr Donaldson:** Is there any specific evidence of practical improvements to back up the assertion in the Government's response to this Committee's report that, as a result of part 3 coming into force, inclusive design is being mainstreamed?

**Mr Bee:** We are not in a position to survey every piece of work that goes on across the rail network. What seems to be drawn to our attention are, as Peter Barker was saying, opportunities that are missed for effective co-ordination, when normal refurbishment is taking place, to enhance access for disabled people. We have been reiterating the message endlessly to other providers that if you integrate access improvements to your normal cycle of refurbishment, you reduce the costs significantly. If you run around like headless chickens, trying to do it in September 2004, you increase your costs substantially. I fear the railway industry has not even got into headless chicken mode.

**Chairman:** Some of us might even dispute that.

**Q73 Mr Randall:** Can I ask you about some things that have been raised with us, in particular with regard to buses. Have you done any work on hail-and-ride, on request stops, and also on, as we have

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here in London, the ticket machines by the bus stops, particularly the latter in relation to those with learning disabilities, but with regard to disabled access to those things, whether request stops might have to be taken out, hail-and-ride, that sort of thing?

**Mr Betteridge:** There is a particular set of issues around hail-and-ride. For a disabled person to have access to a bus, it is not a question of simply getting the design of the bus right. The built environment has to be right too. There is an argument that says if the bus cannot pull up alongside the kerb and provide level entry, even with a kneeling bus, then perhaps potentially that operator is falling foul of the Disability Discrimination Act. One would imagine that therefore hail-and-ride is a concept which could and indeed should be maintained because it suits many people in areas where it is difficult to actually put an accessible bus stop in place, but one also has to take account of the needs of visually impaired people, who will also need regular fixed bus stops in order to know where to begin and alight. That is something where we need a mixed economy of solutions. On the whole, it is not something that operators should be too fearful of because in that context, it would be entirely reasonable to have both hail-and-ride facility and fixed bus stops on the same route.

**Q74 Mr Randall:** Is there a danger that over-zealous operators might withdraw services like hail-and-ride, using the Disability Discrimination Act as a shield perhaps?

**Mr Betteridge:** There is that danger. It depends if they are trying to get it right but are misguided or actually want to withdraw the service. The key concept, as we know, in the legislation is reasonableness. As I said in my previous answer, it would be entirely reasonable to continue to include a hail-and-ride facility.

**Q75 Mr Randall:** We have been talking about all forms of transport. Of course, walking is a very important mode of transport. Do you think enough is being done there to make sure that we do not forget the pedestrian environment with regard to people with disabilities?

**Mr Barker:** I think there is some evidence that we have forgotten the interests of pedestrians. There are some improvements. Some of the crossing systems we have now, the bleepers and the rotating cones are a significant improvement, but there are not enough of them. We are worried that in the future the local authorities will not get strong enough direction from the Disability Discrimination Bill to ensure that they are working very seriously to improve the street environment. The guidance, for example, on local transport plans I do not think is strong enough. The other issue which is of concern is the encouragement of cycling, which is very commendable but there has been a significant increase in illegal cycling on the footway, and there is evidence both from the Cyclists Touring Club and other organisations that that is deterring pedestrians from walking in certain areas,

and certainly the more responsible cyclists are concerned about the situation. We need proper facilities for cyclists to prevent them getting entangled with pedestrians.

**Q76 Ian Lucas:** You mentioned the Roads case earlier on. How much does a case like that cost the Disability Rights Commission?

**Mr Bee:** That was the very first case under part 3 of the Disability Discrimination Act to reach the Court of Appeal, and that and the Ryanair case, which is in the Court of Appeal at the moment, are the only two. They have both required our support. The Roads case at county court cost us approximately £12,000, the appeal rising to £25,000, although having been successful, we are obviously hoping to recover those costs. Had we been unsuccessful, paying the costs of Central Trains would have been significant.

**Q77 Ian Lucas:** You are looking at doubling those figures essentially. Without going into the particular cases, Mr Betteridge mentioned the issue of reasonableness, which is at the heart of all of these cases. Does that really boil down to cost as far as your opponents, if I can call them that, are concerned?

**Mr Bee:** In the Roads case, cost was not at issue, and I will turn to that if I may briefly afterwards. The debate was what constituted a reasonable alternative means of access. Central Trains offered to stay on the train from Thetford to Ely, where you would be demounted from the train, you could then use a lift to cross the line and return to Thetford, a journey lasting approximately an hour, for which Central Trains would not charge you. We argued that the provision of a taxi was closer to the sort of service a non-disabled person would have received in being able to use the footbridge and cross the track, and the Court of Appeal, whilst acknowledging that there were some particular circumstances around this case, supported our argument that the reasonable adjustment should as closely as possible follow or allow the disabled person to receive the same sort of service. We are certainly reassured. The prospect of lots of disabled people having to stay on trains and travel many miles further than they intend to in order to return to the right side of the station is not an attractive option, and we are pleased the Court of Appeal did not support that. The feature with regard to this case which meant the cost was not an issue was that Central Trains had not at the time we originated the case, or Roads did, completed their disabled persons protection policy, and did not have a strategy in place which could have said "We want to spend our money in particular ways to improve services for disabled people" and therefore they could not raise costs as a factor, or we would have challenged them in so doing, and they therefore decided not to make that an issue in this case, which means that some of our ability to extrapolate from it into other circumstances is limited by those unique features.

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**Q78 Ian Lucas:** How long did these cases take to come to court? I suppose they are continuing.

**Mr Bee:** The Roads case was in process for approximately two years. Ryanair has been in the judicial system even longer.

**Q79 Ian Lucas:** Have you ever considered whether there may be some other way, some less cumbersome, quicker way of resolving this type of issue, some sort of arbitration system between the Disability Rights Commission and the operators?

**Mr Bee:** The Disability Rights Act gives us the power to set up an independent conciliation service. We have done so. It is operated for us by Mediation UK. It has provision to deal with about 250 cases a year. It is not quite reaching that number as yet because both parties have to agree to that process, but equally, it is important sometimes to get into the courts, particularly the higher courts, to get clear interpretations of the law, and that is why we have supported both the Roads and Ryanair cases.

**Q80 Mr Stringer:** You have heard what the Minister said about the voluntary approach to accessibility in the aviation and ferry sectors. What is your response to the Minister?

**Mr Betteridge:** Having set a time frame and a process, having commissioned the research, one can understand that there is a desire to see what the research tells us. The point you raised about the clear anecdotal evidence of regular difficulties experienced by disabled people in both aviation and shipping is something which anecdotally DPTAC hears all the time. There is a sense that we would not want to start from here. These are issues which we would have hoped would have been addressed at the latest when the Disability Discrimination Act was first introduced in 1995. I think at this point, having waited this long, all of us want to make the best possible decisions from here. We did hear that the research was expected to be analysed and hopefully acted upon next year, and DPTAC's position is, please let that be as soon as possible next year, and as soon as we have clear evidence, let us use it and act from there.

**Mr Bee:** The campaigners for the Disability Discrimination Act from the late 1970s were reassured that voluntary codes would suffice. Fifteen years later, in 1995, the government was forced to legislate because there are always rogue operators who will not follow voluntary codes. We believe with regard to air and maritime services that the government is simply repeating the same mistake, and that whilst they may have to go through the formalities of completing this evaluation, we are confident it will demonstrate that there will always be rogue operators and that there is no alternative to effective legislation.

**Q81 Mr Stringer:** Has the situation got a lot worse with the advent of low-cost aviation carriers? In terms of priorities between aviation and shipping, is aviation a bigger problem and therefore a greater priority?

**Mr Betteridge:** The no frills airlines clearly provide opportunities for people who may not otherwise have afforded to travel by air to do so. Disabled people as a group are on the whole a low-income group, and in the context of an ageing population too, more people with impairments and mobility problems are travelling by air. It is understandable that we are seeing some of those problems now writ large. There are very clear points of tension between operators who want to remove what they call frills and those support mechanisms that disabled people need to be confident are in place in order for them to make the journey. So as operators seek to work with lower and lower costs to the public, I think some of the compromises being made actually undermine disabled people's rights, and that is probably truer in aviation than in shipping, but it would apply in both sectors.

**Q82 Mr Stringer:** How much of a problem is it that disabled people are not allowed to travel in groups through the Channel Tunnel?

**Mr Betteridge:** I do not think we have evidence, but we can certainly look into this and send a note. The broader issue goes back to groups of disabled people who may want to exercise what you would hope would be a civil right to travel with whom they wanted when they wanted. We have referred to groups of deaf people being denied access on certain flights in the previous evidence session, and this touches on the issue of spontaneity and freedom, but also raises issues of wider government policies which may be in danger of being undermined by these restrictions. So, for example, whether we look at promoting independence in old age, sustainable communities and home zones, and especially perhaps the welfare to work agenda, we need to realise that if a disabled person is not free to travel when they want without necessarily having to book, then the pressure on disabled people to work if they possibly can is seriously undermined. I imagine everybody in this room at some point for reasons related to their work has had to make a journey they could not have planned in advance, and yet the pressure on disabled people to work and to be socially included is enormous. This is in danger of being at best a difficult point of tension and at worst actually hypocrisy.

**Q83 Chairman:** Mr Congdon, I wanted to come to you. By all means comment on that, but I was going to ask you do you think there is enough being done to help make transport accessible to people with learning disabilities?

**Mr Congdon:** Can I deal with a follow-up to the other question, and then deal with accessibility for people with learning disabilities? The point about bringing planes and ships fully in is a very strong one. We had a case that has been reported last year involving some students from one of our colleges, 13 people with mild learning disability, five carers with them, five helpers with them, got out of the country OK, but could not get back easily, had difficulties coming back from Geneva. Eventually it was

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resolved, but all those things put barriers in your path. It is hard enough to organise these trips anyway, without adding those sorts of uncertainty, and we would strongly support . . .

**Q84 Chairman:** What was the principal objection then, Mr Congdon?

**Mr Congdon:** They had a policy that you had to have a higher ratio of carers, even though this group of people did not really need much in the way of care. Those sorts of misunderstandings and inconveniences can occur. Bringing in compulsory powers would start to get rid of that, and that, I think, is important. In terms of the accessibility of people with a learning disability, I mentioned earlier things like information and signage. I think perhaps the most important thing over and above that is, frankly, the attitude of staff. That boils down to good-quality disability awareness training of staff. It is true to say that there has been retraining of quite a few staff, although it is patchy, but one of the things that tends to get missed out, inevitably, because it is a very broad issue covering disability, is it tends to focus on the more obvious issues of physical access and disability and does not focus on not just learning disability but, I would say, all hidden disabilities. In other words, if someone gets on a bus, in particular, and they do not obviously have a disability, they are not in a wheelchair or obviously blind or what-have-you, and they appear to be a bit slow to deal with the money or whatever, and ask a question the driver does not understand, they can be treated very badly. They then become very frightened of using those buses and start not to use them. Our message is we need to get very clearly into the training packages for drivers a good understanding of the needs of people with a learning disability and hidden disabilities, but even more important than that is that you can do the training, but if it is not embedded in the culture, if senior management do not regard it as important and do all sorts of mystery shopping to test out whether people are getting a bad deal or not, it will not happen. The reason for doing it is it is good, quality customer care. If you look after those customers with disabilities, learning disabilities and other

disabilities, then you are going to get it right for other people. The message to the industry would be embrace it, welcome it and you will do more business, whereas at the moment it all appears to be a little bit grudging and low priority. It has got to be a much, much higher priority.

**Q85 Chairman:** So you do not think the training is of a very good standard. Is that right?

**Mr Congdon:** It is not broad enough. To give you an example, I think it is fair to say, and I would want to acknowledge this, the Department of Transport have produced a very good DVD and video which is designed to get a stronger message across to drivers, etc We have had some useful discussions where we are saying actually, we need to add something to this to focus a bit more on those hidden disabilities. Then you have the practical logistics of getting it out to the staff, and we think one way round it is to do more training of the trainers, so that these things can be embraced. It is actually about instilling in drivers an understanding and sensitivity of the needs of people who may be a bit slower to understand—and it does not just affect people with disabilities; it affects older people as well, so it is good business sense for them to do so.

**Q86 Chairman:** Operators, of course, being devil's advocate, would say they have a very high turnover of staff. How would you help them with that?

**Mr Congdon:** That is absolutely right, and I think that is why I come back to my point about embedding it in the culture. Yes, training is important, but some of this goes deeper than training. People can attend a training course, do the tick box and say they have done the training course and forget everything that they learned. You have to reinforce it throughout the organisation so they treat the customer well to start with, and if they get it right for the disabled people, they will get it right for everybody else. If management take it seriously, it will flow down into the whole of the organisation.

**Chairman:** On that very useful point, I am going to say thank you to all of you and say how grateful we are to you for coming. I hope we will not have to have an identical session in another year and have the same conversation.

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*Witnesses:* Mr Neil Scales, Chief Executive and Director General, Merseytravel; Mr Mark Yexley, Managing Director, Arriva London, and Mr Tony Depledge, Development Director, UK Bus, Arriva plc; Mr David Mapp, Commercial Director, and Mr John Yunnie, Head of Disability and Inclusion, Association of Train Operating Companies, examined.

**Q87 Chairman:** I am grateful to you all for coming this afternoon. Did any of you want to make an opening statement?

**Mr Depledge:** A short one. As members of the Committee will know, Arriva is one of Europe's major transport companies and of course, we are very happy to help the Committee with their inquiries. My colleague, Mark Yexley, will be able to deal with any operational issues that come up, because we do hope we can make a constructive

contribution to the Committee's work. We do have a commitment to delivering better service, and we have listened very carefully to some of the earlier comments made today, because one of our central corporate commitments is not only through our own efforts but by working in partnership with other authorities—and I am very pleased that Merseytravel is here today—and community partners such as the RNIB and Age Concern and Changing Faces, we are able to make improvements

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not only by investment in buses, which is, of course, only part of the story, £200 million in the last five years, but working with other organisations, because we believe we always have something to learn from our partners. If I may be allowed to make a very short point about staff training, training and development is something we do put a lot of emphasis on. Our drivers have specific training in disability awareness, and we are about to issue a new guidance note to drivers early next year. As part of our regular work with the Transport & General Workers Union, we are having a workshop for senior shop stewards on the subject of learning, where we aim to widen knowledge from a basic skills base to cover topics such as both disability and diversity, creating, we hope, a positive attitude to valuing and welcoming diversity and difference amongst our employees and customers.

**Q88 Chairman:** That is helpful, Mr Depledge. I should say a particular thank you to you, because some of your colleagues in the bus industry are not too anxious to talk to us. I cannot think why. We are grateful to you for coming this afternoon. Would you like to give us a copy of your note to drivers?

**Mr Depledge:** I would be happy to do that, as soon as it is published.

**Q89 Chairman:** Yes, obviously I am not asking for prior notice. Has there been any noticeable improvement in disabled people's access to public transport?

**Mr Scales:** I think so. On Merseyside we are trying to get to a single integrated public transport network that is accessible to everyone. We have been very fortunate through the local transport planning process in getting lots of good capital funds from UK Government, which we have tried to spend very wisely. At the moment, of the 80 stations on the Merseyrail network, 42 are now fully accessible to the disabled, including wheelchairs, and we very much subscribe to the social model of disability, which means that it is the infrastructure that makes people disabled, not the person themselves. So by the end of the second local transport plan in 2011 we aim to have all the stations fully accessible. All our bus stations are fully accessible now, and we are working in concert with all the operators on Merseyside to get a single integrated network, which is not new; it is in the 1966 White Paper introduced by Barbara Castle.

**Q90 Chairman:** Do you want to comment on that from ATOC?

**Mr Yunnie:** On the rail industry, in the time that has passed since your Committee last addressed this subject, the biggest single improvement has been in the number of railway vehicles that have entered service compliant with the Rail Vehicle Accessibility Regulations. The other area where we have concentrated a lot of effort has been in improving information about the level of accessibility that exists at the present time, with the stations, accepting

that there is much still to be done physically there, but to help people to understand how they can best use what does exist at the moment.

**Q91 Chairman:** How many stations could I access if I suddenly rang up and said, "Where can I get on a line?" Let us take a north-west group.

**Mr Yunnie:** I could not give you an answer in a specific region. Nationally, approximately 52% of all the 2,500 stations on the rail network have step-free access to every platform, and you can obtain information about those, on the one hand, by ringing any of the train operators. Reference has been made earlier this afternoon to the map we produced earlier this year depicting where those stations are.

**Q92 Chairman:** Where would I get the map from?

**Mr Yunnie:** Any staffed station, or from our office, and from a significant number of disability organisations that we have supplied. In addition to that, and sadly, Ms Bates of the last presentation, at the most recent meeting of the DPTAC Rail Committee, where I did actually present on the very recently live addition to the National Rail website, where there is extensive information about the facilities available at every one of those 2,500 stations—not just on issues about access but hours of opening, refreshment facilities, etc, but including quite a considerable amount of information describing the level of accessibility at each one of those stations. That came on stream literally within the last number of months.

**Q93 Chairman:** Mr Scales, what about the staffing on your stations?

**Mr Scales:** Staffing is before the first train gets into the station and after the last train leaves, so fully staffed. The stations outside of the network, there are eight of them in the old section 20 boundary down to Cheshire, Ormskirk and Ellesmere Port, and we intend to fully staff those in the next two or three years, Chairman.

**Q94 Chairman:** Mr Yunnie, I was not trying to cut you off. That is it, is it? Is it only on the website? You have a printed map, you say. That does not have all the information that is on the website.

**Mr Yunnie:** No. At the moment we can print off on request any information that somebody requires. We are examining ways in which to make the information available in other formats at the present time.

**Q95 Chairman:** So if I am visually impaired, there would be a way of me getting access to that information?

**Mr Yunnie:** Yes.

**Q96 Chairman:** What? How would I find out?

**Mr Yunnie:** You might, for example, have speech equipment on your PC, but if you do not have that, we will be able to make information available in audio format on request.

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**Q97 Chairman:** How often are you asked?

**Mr Yunnie:** We have had very few requests so far.

**Q98 Chairman:** How would I know that service existed?

**Mr Yunnie:** It is on the website, which is one of the most visited . . .

**Q99 Chairman:** But if I could not read the website, how would I know it existed?

**Mr Yunnie:** Any station can give you the information. It is available through the National Rail inquiry service and, as we reprint information that we provide for our disabled passengers, we shall be incorporating reference to it.

**Chairman:** You are leaving a few hostages to fortune here. The temptation to ring up and find out is very strong.

**Q100 Mr Stringer:** Mr Depledge, what is the cost ratio between a new, accessible bus and the older buses, new to new?

**Mr Depledge:** That is a very difficult question to answer, new to new, because all you would buy now would be a new, accessible bus; you would not actually buy a bus that was not accessible. You are not faced with a choice of going to the manufacturer and saying, "I would like one of those that is not accessible and one of those that is, please." Of course, the cost of vehicles has progressively increased over recent years. Their complexity has increased, the technical requirements for lifts and ramps and all the other things that are now necessary, have increased over what you might have projected a bus might have become if we had not had all those issues. It is an almost academic point because we are where we are, and you will only buy accessible buses now.

**Q101 Mr Stringer:** Have a go. Tell us the cost of the last non-accessible bus you bought compared to an accessible bus at the moment, and we can work out inflation ourselves. What would be the difference in cost? It is not a trick question.

**Mr Depledge:** I appreciate it is not a trick question. One of the marks of realising you have been in the bus industry for a long time is when you start to scrap buses that you bought. I am trying to remember the last time I bought a non-accessible bus. It is such a long time ago, I could not actually give you a figure. I am not even sure whether my colleagues could give you a figure.

**Mr Yexley:** I would say that the last non-accessible bus would have cost about half the price of a modern-day one, but about five or six years has flown by in between times. Perhaps what is more telling is to emphasize Mr Depledge's point that the running costs of a new bus are higher, because you have many more bits of kit to keep going. That is just part of progress.

**Q102 Mr Stringer:** How much higher are the running costs?

**Mr Yexley:** Whereas we have still the Leylander buses, which would be 17 or 18 years old, which are costing about £6,000 a year to run, a comparable bus, which might be three or four years old, which is low floor and fully accessible, would be costing us round about £3,500–£4,000 in parts, never mind all the rest of it, whereas you would expect there to be a much greater gap, given the age difference. As I say, it is academic because the whole industry is committed to achieving full accessibility, and that is where we are.

**Mr Scales:** As an ex-manufacturer, madam Chairman, in 1986 a double-deck would have been about £70,000, but double-decks are notoriously not accessible. A new single-deck accessible bus now would be about £120,000–£130,000, depending on specification. Single-decks in 1991–92, you could get 10 for £1 million. The total vehicle population of the UK is about 72,000, and when I was at Northern Counties the double-deck mark was about 1,000 buses a year. That is just to give you an example of the numbers.

**Q103 Mr Stringer:** Mr Depledge, what percentage of Arriva's fleet is accessible?

**Mr Depledge:** Just over 50% of our fleet at the moment is fully accessible.

**Q104 Mr Stringer:** How do you decide who gets the accessible buses and who gets the old crows?

**Mr Depledge:** Nobody gets the, to use your phrase, "old crows". We have progressively replaced our fleet as the fleet ages. Throughout the country we have vehicles of different ages, of course. Individual businesses will make a business case for replacements. We put substantial replacement into all our fleets throughout the country. So we have a progressive process of replacing vehicles. There may be occasions, I should say, Mr Stringer, where particularly if we are working with a local authority that is doing some special work, some infrastructure changes, we will be in a position to bring forward some replacements in those cases. That does depend on the circumstances in a particular area, but we replace all our fleet progressively.

**Q105 Mr Stringer:** I was just interested in how you distributed the accessible as opposed to the non-accessible. We have written evidence suggesting that you put preferentially put your accessible buses into London and withdraw the non-accessible buses to places like Kent. Is that accurate?

**Mr Depledge:** No, it would not be accurate. Again, Mark Yexley can probably deal with the London issue, but if there is a contractual requirement to provide an accessible vehicle in London, then we will provide an accessible vehicle for that contractual requirement. However, we will replace the vehicles that we are operating outside London as well as time goes on.

**Q106 Mr Stringer:** I know that you have a commitment to replace them. I am just trying to assess what criteria you use to deploy the non-accessible buses.

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**Mr Depledge:** We are not redeploying them by moving non-accessible vehicles around on a systematic basis. But there may be circumstances when we have a particular project we are working with a local authority, as I say, where we would put a batch of vehicles in here this year, and the following year somewhere else. There are examples round the country that I could point to where we have had a partnership arrangement with a local authority where we have said that is obviously the location to go for because we are now going to get the raised kerbs, the better access, which means that the value of this accessible fleet would be greater. Those policies are developing over time. The Chairman's question at the very beginning was have things got better, and the answer is, of course, they are progressively getting better but they will not get better really until the whole thing is accessible. That is still a little way down the line.

**Q107 Mr Stringer:** We have had some evidence that these buses, as well as being accessible, are more powerful, and that this leads to problems of bus drivers accelerating away very quickly before disabled or partially sighted people have had time to sit down on the bus. Is that your experience? I would be interested in Mr Scales' view of that. Have there been any other unexpected consequences of improving the accessibility?

**Mr Depledge:** To pick up your unexpected consequences point first, if I may, the unexpected consequence was a certain amount of friction between people wanting to travel on buses with children in pushchairs and buggies and people wanting to use the spaces on buses for wheelchairs, and we had even more friction between people who wanted to bring their buggies on to the bus when there were already one or two buggies on. That was unexpected; we did not anticipate that this would create friction, but we have been able to manage that I think reasonably well. We have reviewed our procedures. Your point about drivers using more powerful vehicles in a rather less passenger-friendly way is well made. It is something which we are very conscious of, to ensure that our drivers are properly trained and do understand the issues around that. There is often more anecdotal evidence than actual evidence of such things.

**Mr Scales:** We get a lot of evidence about exactly that, about bus drivers moving off before people have properly taken their seats. On the 20% of the network that we control through the subsidised services, we ensure that drivers are properly trained and we write that into our contractual obligations to our colleague bus operators. It is a problem, and it is a matter of making sure you keep on going at it, making sure that if these instances are identified, we are able to take appropriate action and make sure that driver is taken for remedial training. We do have feedback loops that we can use on that, but we have an integrated fleet across the county of probably over 1,000 vehicles and we are only controlling 20% of that. Fortunately, these are

usually late at night, early mornings and schools, so we can actually get to the driver really quickly if there is an issue.

**Q108 Mrs Ellman:** Mr Scales, how far would you say your local authority members have influenced Merseytravel's policies on making good provision for disabled people?

**Mr Scales:** The authority actually sets the policies and, as the Director General, I execute those policies. So they are very far-sighted. We have been working on social inclusion—before it was called social inclusion—for the last 10 or 15 years now, so things like our free passes from 9.30 on all modes of transport, that is, bus, rail and ferry, and making sure that all our facilities are fully accessible, is something that the authority members have made sure that we build in as part of our ethos. To give you an example, the tunnels building down at St George's dock is a grade II listed building, and we actually spent a six-figure sum putting two very accessible ramps outside so that people can actually get access to our facilities. So it is something that has been strongly put forward by our local members for well over 10 or 15 years now.

**Q109 Mrs Ellman:** Some of the private sector providers tell us that they cannot afford to make proper access for disabled people and proper facilities, yet you have been able to make these things affordable. Is that because you are a public body or is there some other factor?

**Mr Scales:** No, it is a straight business reason. If you make it accessible for disabled people, you make it accessible for everybody else. If you take the total design cost of, say, a bus station or a rail station and the build cost, it is about 2.5% over the total life of the facility, so we spend 3.5% and we build quality in. By making it accessible to everybody, you make it accessible to normal people, if I can call them that. We build it in anyway. Things like handrails, grab rails, stanchions, tactile paving, making sure you have Braille signs, and making sure that we engage with the disabled community so that the Braille signs are in the right place; we have two access officers, one of which is in a wheelchair, and if we are influencing new vehicle design, we send Mr Finnegan down to make sure that the wheelchair space on the first vehicle is right, because being able-bodied and an ex-manufacturer, I do not have the same view as he has. You have to reverse your wheelchair, and you do not necessarily see from an able-bodied point of view. We have been doing this now for a long time, but it is a purely business reason, and it is because we subscribe to the social model of disability, not the medical model of disability.

**Q110 Mrs Ellman:** Going to some of the questions to the Association of Train Operating Companies, from the evidence that you have given us, it paints a rather contrasting picture to the one we have just heard. You say in your evidence that to meet the assumed Disability Act requirements would be very costly. You talk about estimates in excess of £2 billion. You then say, "In the current climate these

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are sums the industry just cannot afford.” What does that mean? Why should it be acceptable that the industry cannot afford to meet the requirements of its customers?

**Mr Mapp:** I think it is a matter that the industry is progressively dealing with through franchise agreements as new franchises are awarded. In the case of new franchises, there is provision for investment in a whole range of aspects of their operation, including the upgrading of rolling stock and station facilities, and within those agreed investments, provision is made for improvements to access for disabled people. In the overall scheme of things, the amount of finance that can be made available through those franchise agreements to support that kind of investment is the result of a discussion between the competing bidders for the franchise, at the moment the Strategic Rail Authority, and in future the DFT, and it is through those discussions essentially that investment priorities are identified and implemented. I think that is the process that the industry follows at the moment. Whether or not £2 billion is affordable I think essentially is a public policy issue. If £2 billion worth of investment was built into franchise agreements, then yes, £2 billion worth of investment could be made. In that sense, it is not just an issue for train operating companies; it is also a public policy issue.

**Q111 Mrs Ellman:** Are you saying then that, as an industry, you might feel unable to make the necessary changes unless you are instructed to do so?

**Mr Mapp:** I think ATOC represents an industry that is a private sector industry, and clearly, the nature of that industry is that we have to make a return on investment for our shareholders. The legacy of the rail industry in terms of station infrastructure in particular is a Victorian legacy. There is a huge amount of work that needs to be done to make the network accessible. Would that investment pay a pure commercial return? The answer is that in many cases it would not pay a pure commercial return.

**Q112 Mrs Ellman:** So you are saying that if this is to be dealt with purely commercially, the answer is no, you cannot do it?

**Mr Mapp:** In many cases that is the correct answer, yes.

**Q113 Chairman:** You have just been told, however, that it is good business sense. Why should it be good business sense for Merseyrail but not for another form of railway company?

**Mr Mapp:** The point that was made earlier was that the way in which improvements are made is on a progressive basis, that when stations are refurbished or investment in major new stations or major upgrades to stations, then yes, it is cost-effective in those circumstances to ensure that the new stations or the upgrade stations are indeed accessible for disabled people. When it comes to making a Victorian station with multiple footbridges and

platforms and so on accessible, then the commercial case for that I think is more difficult to make because it is a major, significant investment.

**Q114 Chairman:** Do you have a very clear policy as ATOC that says to the individual companies you need to plan in each significant reorganisation not just to provide these facilities at your stations but also in your trains?

**Mr Mapp:** It is worth remembering the limitations of ATOC. ATOC is a trade association, so it is not an executive authority. We cannot tell our members what they should do.

**Q115 Chairman:** No, but you do talk to one another, presumably?

**Mr Mapp:** Yes, we do. One of the primary roles that ATOC fulfils is to encourage and facilitate better practice across the industry, and in that sense, best practice both in terms of station design and indeed rolling stock design is something that we actively facilitate.

**Q116 Chairman:** So in whatever form of documentation that takes, there would be a clear policy commitment to making sure that no franchise takes on rolling stock that has not taken account of it, and no station refurbishment goes ahead without specific involvement in this particular area?

**Mr Mapp:** I think it is a more complex picture, because each train operating company has to have a DPPP policy agreed with the SRA and that is built into their franchise agreement, and in essence, that commits that train company to follow a series of practices in regard to station design, rolling stock procurement and so on that conform to the SRA code of conduct, and that itself is based on best practice in regard to disability design and procurement. That effectively is the mechanism through which the industry ensures that investment in new rolling stock, investment in new stations and so on, does take account of best practice in disability issues.

**Q117 Chairman:** So Mr Bee was not correct when he said that the rail industry was lagging behind?

**Mr Mapp:** I think you have to take a balanced view of where the industry is. In terms of rolling stock provision, we are making enormous progress. The 4,000 new vehicles ordered since the late 1990s are all DDA-compliant.

**Q118 Chairman:** Would it surprise you to know that I have received a series of complaints about the new rolling stock and accessibility for people in wheelchairs particularly, and the fact that they frequently find themselves stuck right outside the door of stinking loos that do not work? You have no evidence of that? No-one has mentioned this to you?

**Mr Yunnie:** We are aware that these things happen from time to time, but I travel on a RVAR-compliant train to and from work every day and I do not think I have ever witnessed it happen on one of those trains.

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**Q119 Chairman:** Could you tell us where this line is in order that we can make this generally public?

**Mr Yunnie:** With pleasure. I am a Midland Main Line commuter. I am not disputing for a moment that these things can happen, just as I can go to almost any public toilet anywhere in the land and find things that on occasion are not working as they should do.

**Q120 Chairman:** Yes, I can assure you that public toilets on the whole do not actually cost the taxpayer what railway companies do.

**Mr Yunnie:** The general situation is that the modern compliant toilet is a perfectly fit for purpose piece of equipment which most of the time works as designed.

**Q121 Mr Randall:** This question is for the rail operating companies. You may have heard in the first session that there was a gentleman who had been using his motorised scooter for six years successfully, quite happily getting on and off the train. Then quite recently he was told that he could not use it any more. What do you think was the cause of that? Has there been a change in regulations or the way it is perceived that might cause that for the same model? What I am saying is a year later, for that particular user of the trains, instead of getting better, it has got palpably worse.

**Mr Yunnie:** I have spoken to Mr Coe, so I know the case very well indeed. I think the background to it is that the train company he travels with had not really had an enforced policy about the carriage of powered scooters, and I would just say as an aside that there is actually no requirement upon rail operators to carry scooters at all. What seems to have happened is that the local staff at the stations between which he seeks to travel had been finding a way of accommodating him, as you say, for about six years. One of the perhaps unforeseen effects of the train operators getting their newly updated DPPPs approved by the Strategic Rail Authority has been that it has heightened awareness among train company management of the obligations and implications of the documents that they have signed up to, and in the case of Great Western, they had decided as part of that exercise that, at any rate for the time being, while the range of issues, which I am happy to talk about if you felt there was time, are resolved on a national basis, and therefore they implemented a ban, and Mr Coe has found himself excluded from the train as a result of that chain of events.

**Q122 Mr Randall:** I am very grateful for that but what I am interested in is whether sometimes the implementation of new regulations or agreements or health and safety—I think we all know in everyday life sometimes some of the health and safety things seem to be over-zealously implemented. I am not saying this particular one was health and safety. Is that a problem for you?

**Mr Yunnie:** I was here earlier this afternoon when there was a discussion about the implications on the use of barrow crossings was discussed and I would

entirely subscribe to the general comments that were being made at that time, that there has been an issue there between health and safety issues and those of access. In the case of scooters, it has long been the case that, regardless of whether there is a requirement to carry them or not, physically, some scooters will fit on to some trains. One of the key issues is that the manoeuvring characteristics of a powered scooter are not the same as those of a wheelchair, and there are numerous types of rolling stock running on the network at the moment which are broadly accessible—not necessarily RVAR-compliant but they have a wheelchair space, they have an accessible wheelchair toilet, but the way in which one manoeuvres into the wheelchair space can be quite tricky, and there are many classes of powered scooter that will not actually carry out that manoeuvre. The issue is, as Anne Fry from the Department rightly said earlier on, there is the publication *Wheels for Wheels*, which indicates which scooters potentially will go on to public transport. However, because we have such a range of accessible but not compliant rolling stock, it actually becomes rather more complicated than that when you are faced on the ground with whether Mrs Smith's powered scooter will actually fit on to train operator X's particular train that turns up on the day.

**Q123 Mr Randall:** One other question. We have heard about the book ahead service, and although I think the pragmatic view prevailed, is there a policy or is there any way you could encourage the other operating companies? Some do have 0800 numbers and some do not. Is there anything happening on that?

**Mr Yunnie:** Yes, there is, in as much as as my colleague Mr Mapp has already said, ATOC's role is that of encouraging best practice amongst the operators, but without the ability to actually force them to do something they do not wish to do. We have taken on board the advice that we have received from DPTAC, amongst other places, and are at the present time encouraging operators to look into whether they can indeed move over to 0800 numbers. I personally do not dispute the view that although it might only be a local rate call to make your advanced arrangements, that is nevertheless quite possibly a telephone call you would not have had to have made at all if you were not seeking the disabled people's assistance service, and therefore we are indeed encouraging train operators to do that.

**Q124 Chairman:** You are rather giving us the impression that train operating companies only actually do things when they are required to do so. I am sure you do not quite mean that. Or are we suggesting that the rules of the Strategic Rail Authority are not tough enough?

**Mr Yunnie:** No, I do not think that is the case. There has been a gradual move over the last two or three years from the majority of train operating companies, not even using an 0845 number but requiring you to call an ordinary national number

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which, depending on where you happen to be ringing from, might have actually resulted in you paying a full national price. They moved from that to almost entirely using 0845 local call rate numbers. It is an ongoing process and we now seem to be at the point where we are moving into the world of the 0800 number.

**Q125 Chairman:** I was not just thinking about the access to telephone information; I was thinking about all the other provisions. You are quite convinced that the train operating companies are going to be responsive without being told that they had to provide certain facilities, are you?

**Mr Mapp:** I think in many cases train operators do pursue good practice without having to be forced into doing so. They, like any other commercial entities, have a business incentive to ensure that the whole of their market is addressed and in that sense, providing services for disabled people, making sure that accessibility is provided, is part of that. I do not think it is the case that train operators only act when they are forced to act.

**Q126 Chairman:** Central Trains?

**Mr Mapp:** It is an interesting case. I heard the description of the court case earlier. I think one issue that was missed out from that description was that there is not actually a taxi company in Thetford that is able to provide an accessible taxi, and the only option was to procure a taxi from Norwich, one hour's drive away, a two-hour round trip, in order to take the customer from one side of the station to the other.

**Q127 Ian Lucas:** Whilst we are on the subject of court cases, I think you were present when we had what I thought was an interesting discussion about mediation in trying to resolve a lot of these issues. Have any of you had any experience of dealing with the mediation system?

**Mr Yunnie:** Certainly some of the train companies have engaged in mediation over issues like the provision of large-print timetables and the degree to which it was reasonable to meet a particular customer's request in that area. In the main, they have come to mutually satisfactory conclusions at the end of the process.

**Q128 Ian Lucas:** Does ATOC promote mediation amongst your members?

**Mr Yunnie:** Yes. We have regular meetings of the ATOC disability group, where the train operators come together to discuss disability issues. We exchange information between the train companies within that forum on recent mediation cases that have come to their attention.

**Q129 Ian Lucas:** So far as the importance of legal cases in terms of driving your policy, do you think that those legal cases are necessary to actually drive you in taking forward improvements in accessibility? In other words, we are back to the question of whether you will do things voluntarily or only if you are forced to?

**Mr Yunnie:** It is certainly not the case that we will only do it when we are forced to. However, I would agree with the remark made in the previous session that a number of relevant court decisions will help everybody. One of the unfortunate aspects of the much publicised recent case affecting Thetford station is that there were a number of unique circumstances surrounding that case, which we clearly do not have time to go into today, but it has meant that the outcome has perhaps not provided much in the way of a way forward, and to that extent the train company community as a whole will welcome some appropriate cases emerging over the coming months to help a better understanding of what is reasonable and unreasonable. My colleague Mr Mapp has just referred to the fact that the nearest accessible cab in the Thetford case was a very long way away. We assume that a test of reasonableness would set some kind of boundary around how far it was realistic to bring a cab, and an appropriate court case would go a long way in helping those kinds of issues.

**Mr Depledge:** From the bus industry point of view, we are very much a local business and our objectives would be to solve matters at a local level, to work out what the appropriate local solution is. At a policy and strategic level, we have undertaken an audit of every interface that we might have between our organisation and a potential customer from the point when the customer starts to think about going by bus to the point where they have completed the journey. That is a very helpful way of analysing all the issues that might come up, but in principle, it is a local option.

**Mr Yexley:** David Congdon made a really good point in the last session, that if you have the vision to appreciate that so many good things flow from training people properly, that is something which is very easy to jump on board with. Even if in the very short run it costs you money to do the training, it has got to be the way forward.

**Q130 Chairman:** Finally, Mr Scales, is it really easier to provide proper services for disabled people where there is a passenger transport executive, and if that is the case, why is that the case?

**Mr Scales:** It is a treadmill, Chairman. Once you get on, you cannot get off. Basically, our philosophy is to get a single integrated network that is accessible to everyone, so we have invested in a lot of things. We have trained all the staff; all 924 staff are trained on DDA. We are making sure that all our facilities are fully accessible, all our media is fully accessible. It is easier when you have the advantage of a good local transport plan and good guidance from government on that. That has helped a lot. Before LTPs came about in 2000, we had already embraced the disability agenda and we are trying to move it forward, but not as quickly as we would like, because whilst we can make our facilities very accessible, and our bus stops very accessible, the pathway in the middle is not, and you can end up with very poor pathways between two very accessible islands, if you like. It is very difficult to get local authorities to come to the party in some cases.

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The transport side is fairly easy. On the train mode we are a lot better off on Merseyside because we have a 25-year concession, and we are in effect the SRA for the area, so we can influence things and our colleagues in the private sector, having such a long franchise, can make the investment and can get the money out.

**Q131 Chairman:** Are you really saying to us it is only when you have the muscle to do this that the private sector will respond to your minimum conditions?

**Mr Scales:** No. I think it is a matter of education. If everybody starts subscribing to the social model of disability rather than the medical model of disability, we have an ageing population. We need to start taking action now. If we join up all the accessible bits that we have, we will be all right. That is what we are trying to do, to promote good practice. It is easier, I think, if you have a unitary authority, where you have control of everything. It is much more difficult where I am trying to influence five separate metropolitan districts or five separate highways authorities. Our colleagues in Manchester have double that problem, with 10 separate districts to deal with, all with different priorities, different urban development plan at different levels. Any support from government is welcome. You have to listen to the pressure groups and embrace them. Just get it into the culture. Once you have got it into the culture, it makes life a lot easier. Everything we design is accessible now, and you just build it in.

**Q132 Mr Stringer:** Would it be easier if the buses were re-regulated?

**Mr Scales:** I think that is a very interesting question, sir.

**Q133 Mr Stringer:** Are you going to give a very interesting answer?

**Mr Scales:** I think the system that Mayor Livingstone has got is very expensive but very nice. The system we have got in Merseyside is not working properly and I am looking for something in the middle.

**Q134 Mr Stringer:** But some form of re-regulation would help with disabled access?

**Mr Scales:** It certainly would. It would certainly help the investment decision. I have to say that our colleagues from Arriva are making large investments in vehicles and a lot of them are on Merseyside. Our average fleet age is about 8.5 years but there are certain operators where the average fleet age is 20 years and they are operating ex-London Transport Titans, which are incredibly inaccessible. I think it would help enormously, Mr Stringer. How we actually move that model forward is something I am sure I may be examined on in the future.

**Chairman:** On that happy note, gentlemen, thank you very much for coming this afternoon. We are very grateful to you.

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# Written evidence

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## Memorandum by UNITE (DAF 01)

### DISABLED PEOPLE'S ACCESS TO TRANSPORT

#### 1. INTRODUCTION

Unite is the largest occupational pensioner organisation in the United Kingdom, representing 105,000 pensioners drawn from ex-employees of Royal Mail, BT, British Steel and Rolls Royce & Bentley. A significant proportion of our membership comprises disabled people or the frail elderly. We campaign for better access to public transport for people in these groups, with particular recent emphasis on the requirements of the Disability Discrimination Act 1995 (DDA) which, theoretically, should now have been fully implemented in the United Kingdom, but has not been widely achieved.

We welcome the opportunity to give evidence to the Committee on this important subject. Many of our members are deterred from travelling because of the problems of access. We urge the Committee to press the Government to ensure sufficient funding is available to bring all our stations and buses up to a standard where older frail and disabled people can have good access to transport and so improve the quality of their lives.

Progress continues to be slow on the railways due to lack of funding, despite the publication in 2002 of *"Inclusive Mobility—a Guide to Best Practice on Access to Pedestrian and Transport Infrastructure"* by the Mobility & Inclusion Unit of the Department for Transport. While it is a very useful document, it is just so much paper when regarded in the field of public Railway operation in the UK, in the long-term and continuing absence of the necessary funding to bring the defined Best Practices into operation for the benefit of the disabled and frail elderly.

#### 2. BUSES

The present impetus in the operation of timetabled bus services to provide low entrance access for wheelchairs must be maintained, leading as soon as possible to the replacement of all fleets by such vehicles, although there will be inevitable pressure from operators not to replace serviceable conventional vehicles, without financial inducement.

We note with concern that on busy bus routes parents with baby carriages tend to fill the dedicated wheelchair spaces, leaving no room for the wheelchairs for which the spaces were provided. This is a difficult problem, because operators will not wish to turn away custom of any sort if space is available.

We are pleased to note that the national subsidy to continue the Rural Bus Initiative for services such as Dial A Ride is being continued for a further four years, to provide as much access as is reasonably possible for the disabled and frail elderly in rural areas. These buses provide necessary flexibility for such passengers, which is not always possible from timetabled services, many of which currently operate at a loss.

#### 3. RAILWAYS

Railways present the greatest problems for disabled access. Regular reorganisations in national railway management have hampered progress, such as the demise of the Strategic Rail Authority (SRA) later this year.

In 1998 Disability Unit of Railtrack plc was concerned about the huge implications of implementing the DDA by 1 October 2004 and the vast cost of upgrading stations to comply with the Act. This led to Railtrack plc in 1998 asking Unite how long we thought such an exercise would take to complete, given sufficient central and sponsored funding. We suggested at least 25 years (ie until 2013, now only 19 years away), in view of the number of stations with footbridges but no lifts. That led to a philosophy of prioritisation, for which we agreed to consult our membership regularly and to highlight particularly bad cases, so a growing list of such cases could be maintained by Railtrack plc.

Following the tragic accidents at Paddington and Hatfield, Railtrack plc went into liquidation, so for a while we repeated and enlarged the priority list by contact with the Disability Manager in the Association of Train Operating Companies (ATOC), who drew our observations to the attention of the relevant Operating Companies, few if any of which had cash margins which allowed them to do remedial work under the Act. A further national reorganisation placed the responsibility for disabled access on the SRA, so, again, we continued the priority list for remedial action with the manager in the SRA Disability Unit, and have been sending him regular additions to the list up to the present day.

We were given to believe that the Government had set aside money in the Access for All Fund to pay for prioritised remedial action, but our attempts to find out how much money was in the fund proved unsuccessful. We were told that the Fund was due to be spent as from 1 January 2004, but soon after that date the SRA informed us that top priority had been given to stations currently undergoing general refurbishment, and that general priority list would be finalised in October 2004, for Government action from

November 2004. Prioritisation of disabled access at stations where work was in progress or about to start is perhaps a logical development, but has little or nothing to do with the observed needs of disabled or frail elderly people.

Correspondence between Unite and Kim Howells MP (Minister of State for Transport) revealed that a criterion for prioritising disabled access would be the number of passengers using each station. We maintain strongly that the number of passengers using stations is unrelated to the needs of the disabled or frail elderly. During 2003–04, a pensioners' pressure group succeeded in getting remedial work done on Evesham Station via a consortium funded by Worcestershire County Council, Wychavon District Council, Evesham Town Council and Thames Trains Ltd. This is the only such scheme agreed for funding by local authorities. Meanwhile the Scottish Parliament has agreed to improve disabled access at Lockerbie Station, and on the Stirling-Alloa-Kinross line, but to date no work has occurred due to insufficient funds from the Scottish Treasury. In fact, it is understood that the current reorganisation, in which the SRA is being wound up, disabled access improvement on the railways in Scotland has been devolved to the Scottish Parliament, so the two precedents above give us little hope of general improvement.

Your call for evidence mentions accessibility versus Health & Safety. In August 2003, a disabled pressure group complained about poor wheelchair access at Thetford Station, Norfolk. Central Trains Ltd put forward an idea to use the existing Barrow Crossing with a system of red and green lights, similar to light-controlled road pedestrian crossings, controlled from the nearby signal box. However the Health & Safety Executive asked that all Barrow Crossings be discontinued for passenger use, so the "Thetford Experiment" never achieved reality, but we note that some Barrow Crossings are still in use (eg on the Bristol to Weymouth line, operated by Wessex Trains Ltd). In the present reorganisation we are uncertain as to whether or not Railway Safety has yet passed from the HSE to the Office of the Rail Regulator. It is our view that introduction of this cheap solution (light-controlled Barrow Crossings) throughout the United Kingdom, at suitable locations, could hasten the implementation of the requirements of the DDA, with less danger to the public than at road light-controlled crossings.

When responsibility for disabled access passed to the SRA, we sent them a summary of the poor access cases reported by Unite to Railtrack plc and ATOC, based on the actual experiences of our Members. This summary included the following:

#### *Difficult Steps*

Stetchford, Birmingham (94 steps from road to platform, plus a footbridge) Dorchester South, Evesham (now being remedied with local authority funding), Bingham, Peterborough, Hereford, Yeovil Pen Mill, Gloucester, Derby, Cambridge, Ely, Didcot Parkway, Lockerbie (Scotland), Dumbarton Central (Scotland), Biggleswade, Sandy, Norwich, Bromley South (several reports over a long period because the steps are narrow), Balham (several reports due to the steepness of the stairs), Davenport (Manchester), Stamford, Kirkconnel (Scotland), Birmingham New Street and Wellingborough.

A major problem is steps and footbridges at stations used in mid-journey for changing trains, with a number of the above stations falling into that category. At Dumbarton Central our member says that the footbridge is dangerous as well as difficult, so even able-bodied passengers do not use it. Another problem is that several Operating Companies have reduced staff numbers at stations, so where the disabled could, in the past, have asked for assistance for themselves and their luggage, no staff are available to help. At Hereford a Victorian cast iron notice invites passengers to seek assistance, but the assistance no longer exists. Many Operating Companies offer specific help to the disabled and frail elderly with 48 hours notice, but such arrangements cannot be made for stations used for train changes, or between Operating Companies for longer journeys. Mr Howells mentioned the provision of taxis in those cases (ie most of them) where improved disabled access is not provided, but it is not always possible for disabled travellers to be precise with their travelling times. There is no practical alternative to the spending of public money to improve station infrastructure in a prioritised way.

#### *Difficult Platform Heights Causing Vertical Gaps*

Dorchester South, Clapham Junction (Platforms 16 and 17), Didcot Parkway (Platform 2, severe slope).

We note also that the previous practice of stopping trains twice at stations with platforms shorter than the train has been generally discontinued on the grounds that it lengthens journey times. We contend that this is discriminatory to disabled and frail elderly passengers, who unwittingly find themselves at a door with no platform, and we recommend that double stopping be reintroduced, and timetables adjusted.

#### *Lack of Inter-Station Transport*

Yeovil Pen Mill to Yeovil Junction. (A half-mile of railway track exists between Wessex Trains' station at Pen Mill, and South West Trains' station at Junction, but no passenger transport is provided—not even a bus. The track is, however, used regularly for freight).

*Station Recently Refurbished but no Improvement to Disabled Access*

Ipswich (planned before DDA 1995 and carried out after), Solihull.

*Subsequent Reports of Poor Access, made to the SRA*

Northfield (Birmingham—also unsuccessful pressure from the Rea Valley Residents' Assn), Edinburgh Haymarket (Scotland), West Wickham, Elmers End, Eden Park Sittingbourne, Dover, Canterbury, Ramsgate (ie, many stations in Kent and South East London), Branksome, High Brooms, Wivelsfield, Brockenhurst, Exeter Central, Letchworth Garden City, Aigburth (Liverpool), Valley (Anglesea), Cholsey, Goring & Streatley, Horsham, and Freshford (another low platform).

Unite has reported members' experiences at 49 stations, to help the SRA prioritise their case list for remedial action, in the hope that funds will become available to carry it out. In 2003 we tried, with the SRA, to find an "easy" formula for prioritisation, such as "many retired people on the South Coast", but that ignores the fact that many others still live in the large inland urban areas. Therefore, our practice has been to report our members' personal experiences.

We have observed that many station lifts exist as alternatives to footbridges and stepped underpasses, but most of these are at commuter stations which are used mainly by the able-bodied.

We would mention also that much work to counter discrimination needs to be done in the provision of Braille notices and announcements, and the provision of good quality public address systems and hearing loops at as many stations as practicable, for the benefit of the blind, partially-sighted and profoundly deaf. Many public address systems on some of the larger stations are unintelligible even to hearing passengers.

The SRA has told us to expect a request for consultation on its pending Industrial Disability Strategy. We have said we will co-operate, but we have yet to receive anything specific.

## 4. SPECIFIC INFORMATION SOUGHT BY THE COMMITTEE

The following is comment on the specific points raised in your Press Statement.

A minority of buses have wheelchair access, but there may not be room on board for them. As for railways, only Evesham Station (with local authority funding) has a definite improvement scheme, and in Scotland Lockerbie and stations on the Stirling-Alloa-Kincardine line have been approved for improved access, but with no funding available. Hundreds, if not more than 1,000, other cases are in need of improvement, at great public cost.

The problem on the railways is that funding to implement the DDA is not forthcoming. Perhaps that indicates an "unexpected interpretation" by the public funding authorities.

Authorities such as the Health & Safety Executive have no budget responsibility for improving disabled access and so seem to ignore "someone else's" problem. Without a huge amount of funding no proper balance can be achieved, however unjust.

Reducing staffing at Railway Stations is a definite "levelling down". Unite sees no evidence of "levelling up", except, perhaps on a micro-scale at Evesham.

National Federation of Royal Mail & BT Pensioners Incorporating British Steel & Rolls Royce & Bentley Pensioners

November 2004

**Memorandum by The Lord Bradshaw (DAF 02)****DISABLED PEOPLES ACCESS TO TRANSPORT**

I am glad the Committee is reviewing the effects of the Disability Discrimination legislation.

To be effective, legislation has to cover the entire journey. Thus for example there is no point in obliging bus or coach operators to modify and adapt vehicles if these same vehicles are unable to draw alongside kerbs, allowing access, because of parking, illegal or otherwise, in bus stops.

Are there proposals to make and enforce the necessary Traffic Regulation Orders?

Similarly, in respect of trains, it will be incredibly expensive to provide access to platforms at stations which cannot be accessed from "both" sides. The use of a barrow crossing, with suitable warning lights would obviate many of the problems at reasonable cost, but this would require the modification of the present safety requirements. If money is spent on expensive means of access eg lifts or bridges, there is a fear that such money would be deducted from the limited funds available for improving rail services for the general public rather than be provided under a separate vote.

A further problem concerns modifications to existing rolling stock. Where it is not practical to meet full DDA standards (usually because of structural reasons) it is not permissible to do one's best, so that everyone who uses the train (or bus) benefits although the exact letter of the DDA law cannot be met. I believe the law should be clarified to prevent the DDA requirements making desirable and practical modifications possible.

*Bill Bradshaw*

*8 November 2004*

#### **Memorandum by the Disablement Association Hillingdon (DAF 03)**

##### **DISABILITY DOES NOT MEAN INABILITY**

DASH and its membership feel frustrated at the very slow pace of change. In other words, the provisions of the DDA do not go far enough. We still have a situation where disabled people do not have rights to access the vehicle themselves, ie buses and trains etc.

From people's experiences at DASH, using public transport continues to be a very hit and miss affair. Examples of this include buses where the ramps are not working effectively. Inaccessible request bus stops, and difficulties booking taxis through the Taxi Card scheme etc.

We were given a recent example which I think highlights not only the inaccessibility of the tube stations, but also the complete inability of officialdom's understanding of the situation.

A carer gets on the underground with her disabled son at Ruislip Station. On the return journey they are not able to stop at Ruislip as it is impossible to get out of the station, and therefore has to travel on to Uxbridge to turn round to come back to Ruislip to get off at the accessible side of the platform.

Not only is this most inconvenient and frustrating, as well as potentially illegal, but the person concerned has also been asked to pay for the additional unnecessary journey that she has to make to Uxbridge and back. Is this not an example of poor access, but also unbending officialdom?

*7 November 2004*

#### **Memorandum by ATOC (DAF 04)**

##### **DISABLED PEOPLE'S ACCESS TO TRANSPORT**

In response to your invitation regarding the above Inquiry, we are pleased to submit evidence from the perspective of Britain's train operators.

Train operators recognise the need to make provision for improved facilities and services that help disabled passengers access the rail network. A range of things are being done to ensure that the maximum number of disabled people can access all aspects of rail travel, from pre-journey information through to arrangements for specialist assistance during journeys.

This is all being undertaken in the context of the constraints of station infrastructure, much of which was built in Victorian times. At the same time, we believe that the care and provision afforded to disabled rail travellers in Britain is amongst the best in Europe.

#### **1. WHAT PROGRESS IS BEING MADE IN ENSURING THAT DISABLED PEOPLE HAVE PROPER ACCESS TO TRANSPORT?**

We clearly can answer this question solely from the viewpoint of the railways:

*4,000 new trains:* across the rail network, many trains are already DDA compliant, while all the 4,000 new trains that have been ordered since the late-nineties are fully DDA compliant. The old Mark 1 "slam-door" rolling-stock, which is difficult for disabled people to access, is rapidly being phased out, a process that will be completed by the end of 2005 at the latest (and probably before).

*Investment in staff training:* train operating staff on the frontline—whether on the platform, on the train or in reservations offices—are trained to be aware and sensitive to the needs of disabled travellers.

Workshops have taken place in the run-up to the launch of the new National Reservations Service (see below) in order that good communication is promoted within each train operating company (TOC) and that staff who make Assisted Persons Reservations Service (APRS) bookings are aware of the changes and where to obtain assistance with the system.

*Improved journey planning provision:* ATOC has initiatives in place to help customers to make an informed, independent decision about how they can travel by rail, mainly by making pre-journey information accessible to a higher number of disabled people.

ATOC has collected, and are continually updating, detailed station information to publish on the internet ([www.nationalrail.co.uk](http://www.nationalrail.co.uk)), which will also feed the information and reservation systems used in stations and the National Rail Enquiries Call Centre database. This database gives a very detailed level of information

about each station; for example it indicates whether or not there is a wheelchair accessible toilet at the station or a buffet, and a whole host of other information which is not just useful to disabled customers but to all customers.

Stations are, however, not described as “accessible” and “non-accessible” because of the diversity of our customers and their various abilities. We simply give a true depiction of a station and let the customer decide for themselves whether a station is accessible to them or not. Three examples of the output from station facility enquiries on the internet are enclosed.

*Rail Map for People with Reduced Mobility:* in May 2004, ATOC and the Strategic Rail Authority (SRA) jointly published a “Rail Map for People with Reduced Mobility” showing all the railway stations in Britain, indicating which have access to all platforms without having to use steps and giving an indication of staffing levels so that the customer’s expectation can be realistic and therefore more easily met. This map is also available on the National Rail web site ([www.nationalrail.co.uk](http://www.nationalrail.co.uk)). A copy is enclosed.

*Enhancements to pre-booked assistance:* ATOC will introduce an enhanced pre-booking package when the National Reservations Service (NRS) is rolled out at the end of 2004. This will ensure that staff will be able to book wheelchair users on journeys to stations which have appropriate facilities.

It will also ensure that wheelchair spaces in trains are not double-booked, as well as assisting with better communication between station staff. The new service will make booking assistance faster and also easier for passengers to book multi-leg journeys by calling one train company.

Management reports will be possible so that train operating staff are able to see where they are performing well and any areas where improvement is necessary. The new service will also address the three key drawbacks of the present system by allowing amendments to existing bookings, facilitating multi-leg journeys, and offering more space for comments against a booking.

*Sharing best practice:* train operating companies are working together to ensure that customers receive a high standard of service.

There are a few additional points to be made about the current provision of care for disabled travellers on the railways:

#### *Responsibilities*

The responsibility for changes at stations usually lies with the main train operator using the station, but how changes are funded can vary from station to station. According to what is agreed by the Department for Transport and the SRA in each train company’s franchise agreement, either the train company, the SRA, or the local authority (including PTEs) will fund extra staff and major works.

#### *Finding solutions*

Train companies offer the most logical solution to individual customers according to their travelling circumstances, although some of these may require unusual solutions. For instance, a barrow crossing, where safe, provides a good solution to crossing from one side of a station to another without having to use a footbridge. Some train companies use stairlifts or other stair climbing devices in order to accommodate permanent wheelchair users where other alternatives, like barrow crossings, are either unsafe or unavailable.

Because of the cost constraints, priority for works will take the amount of passenger usage at the station into consideration as well as the feasibility of new works and customer requirements.

#### *Major challenges*

Train companies recognise the need constantly to improve care and provision for disabled passengers, and there are many challenges in delivering this. The majority of those faced by train operating companies are due to the legacies bequeathed in the original infrastructure of many station buildings. Some stations are built on high embankments and some are located in deep cuttings.

While one solution would be to install lifts at some of these stations, these must be at a reasonable cost in relation to the revenue earned at the station, and the numbers of disabled travellers likely to use it. Furthermore, they must comply with building regulations.

Alternatives to lifts are ramps, alternative entrances to platforms and other stair climbing equipment. Each station therefore has to be looked at on its merits.

2. ARE THE PROVISIONS OF THE DISABILITY DISCRIMINATION ACT BEING INTERPRETED IN UNEXPECTED WAYS?

In our view, it is too early to tell. The most recent provisions of the DDA came into effect on 1 October, only seven weeks ago. We don't yet have any information or knowledge of any specific instances that would indicate one way or another. What we do know is that train operating companies are using the DDA to preempt the requirements of disabled people, whilst working with disabled groups in many areas. Because the railways of Britain have been continuously working towards a totally inclusive environment for many years, customers may see little obvious change following the introduction of the third part of the DDA.

3. IS ACCESSIBILITY COMING SECOND-BEST TO OTHER CONSIDERATIONS, SUCH AS HEALTH AND SAFETY? WHERE SHOULD THE BALANCE LIE?

Clearly the safety and well-being of those who use or work on any part of the railway network must be and is the top priority overriding all others.

Punctuality is gradually improving but there is still some way to go before we can be satisfied in this area. Industry costs are still too high and we must reduce them.

These are the three highest priorities for the railway and they remain a constant.

However, in terms of operational priorities, the railways are committed to playing their part in ensuring adequate and reasonable provision across the network for disabled travellers.

Ensuring compliance with the letter and spirit of the Disability Discrimination Act is a key part of that commitment and is central in the design and planning and execution of many railway activities—eg new train design, refurbishing stations, improved journey planning, alternative format printed materials for people with visual impairments and so on.

The only likely potential point of conflict is with cost. The DDA sets out that reasonable provision must be made for disabled travellers. We believe there is a reasonable and common-sense balance to be struck. While improvements are rightly being made, we also know that to update completely every part of the railway's infrastructure to meet the assumed DDA requirements would be very costly with some estimates in excess of £2 billion. In the current climate, these are sums the industry just cannot afford.

4. IS THERE ANY TRUTH IN THE SUGGESTIONS THAT SERVICES ARE BEING "LEVELLED DOWN" RATHER THAN "LEVELLED UP"?

No. To date, there is no evidence of this. On the contrary, service provision for disabled passengers is being improved. There may be debate over the speed and extent of improvement but there is no question that care and provision for disabled travellers is changing markedly for the better—and has been doing so for several years.

*John Yunnie*  
Head of Disability and Inclusion

*19 November 2004*

**Memorandum from the Guide Dogs for the Blind Association (DAF 05)**

**DISABLED PEOPLE'S ACCESS TO TRANSPORT**

The Guide Dogs for the Blind Association welcomes the opportunity provided by the Transport Committee to submit evidence on the subject of disabled people's access to transport.

Guide Dogs is the world's largest breeder and trainer of guide dogs, and the UK's largest single provider of mobility and other rehabilitation training for blind and partially sighted people. Each year, we help thousands of visually impaired clients to negotiate public transport, either with a guide dog or long cane. We are therefore well aware of the problems that prevent guide dog owners and other visually impaired people from enjoying the same rights and opportunities as everyone else.

Our vision is for a world in which all people who are blind and partially sighted enjoy the same rights, opportunities and responsibilities as everyone else. We help blind and partially sighted people to achieve independence and mobility through the provision of guide dogs and rehabilitation services—yet this independence is limited by the environment in which visually impaired people must live.

Whilst the Disability Discrimination Act and subsequent government policies have made a considerable impact on the lives of disabled people, and have gone some way to change public attitudes, it is our view that fair access to work, health care, leisure facilities and other services will not be achieved until public transport systems are made fully accessible to people with disabilities.

Below we identify the major difficulties experienced by visually impaired people when using public transport. We also make recommendations that we trust the Committee will consider fully.

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**WHAT PROGRESS IS BEING MADE IN ENSURING THAT DISABLED PEOPLE HAVE PROPER ACCESS TO TRANSPORT?**
*Rail*

It is our view that progress towards ensuring proper access to rail services has been slow. For example, we deal with many complaints from guide dog owners who have not been provided with proper assistance at stations, despite booking appropriate services ahead of their journey via the proper channels. We also feel that there is an urgent need to address the lack of disability awareness of many train personnel—journeys would be much easier for visually impaired people if more staff knew how to provide proper assistance.

It has also come to our attention that some train operators are not complying with the Rail Vehicle Accessibility Regulations 1998 which requires them to ensure that all new vehicles are fully accessible to disabled passengers. For example, we know of many instances of poor maintenance of on-board audio-visual information that is intended to assist passengers with sensory impairments.

Those trains not covered by RVAR present real problems of accessibility for blind and partially sighted passengers, who have difficulty moving around because of badly arranged seating and lack of colour contrasting. We believe that the Department for Transport should introduce as a matter of urgency a code of practice for the refurbishment of vehicles not covered by the regulations.

Finally, Guide Dogs believes that an end date for rail vehicle accessibility of December 2017 should be set without further delay, to match the accessibility deadline for buses. This would then ensure the fulfilment of the government's long-standing commitment to create fully integrated transport systems at the earliest opportunity.

*Buses*

RNIB statistics show that over 50% of blind and partially sighted people do not take buses, because they find it frightening and stressful not knowing when to disembark. The DfT have announced that by 2017, all buses will be fully accessible, yet this is not entirely true. Unless audio/visual information systems are fitted to all buses, they will remain inaccessible to people with hearing or sight impairments. It is our understanding that the Department for Transport has recently completed a research project that shows how technical systems could successfully provide on-board audio visual information. We therefore urge government to amend public service vehicle regulations requiring all buses to have an on-board information system similar to that required on trains, and for this to be done as soon as possible.

Guide Dogs is also concerned by the apparent need for greater visual impairment awareness training for bus drivers—particularly in the London area. One recent case we have dealt with concerned a guide dog owner who was verbally abused by a driver who refused to tell him the number of the bus he was driving. He was also told by a different driver on the same day that he could not take his dog on board the bus, refusing to acknowledge that it was a registered guide dog. If drivers were better trained in how to assist visually impaired people, then buses would become a much more viable mode of transport for blind and partially sighted people.

Lastly, we feel more needs to be done to tackle illegal parking by car drivers at bus stops, which puts visually impaired people at risk when they are boarding or alighting from a bus as the bus is unable to pull up at the kerb at the bus stop.

*Walking*

Walking is an integral part of the transport system, and for those with a visual impairment, it is one of the primary means for getting from A to B. However, for those who cannot see, the street environment can be a hostile and intimidating place and it is getting worse.

While we support the government in the delivery of the objectives contained within the DfT's Walking and Cycling Action Plan and welcome the proposals being drawn up by DEFRA to promote cleaner, safer neighbourhoods, there remain for us some key issues that need to be addressed so that for visually impaired people, and for the benefit of whole communities, walking becomes a safer, more accessible and pleasurable experience.

Guide Dogs has developed its own National Walking Action Plan, which seeks the removal of social, physical, and institutional barriers to walking, and provides a framework to support and increase walking in England. Our main objectives are:

- To encourage the adoption of integrated street management programs to co-ordinate street cleaning, pavement renewal, street greening and anti-vandalism schemes.
- To ensure that all pedestrian crossings and signals at traffic light junctions have an audible beep and rotating cone.
- To secure the extension of the Homezone Challenge Fund for three more years, thereby widening the opportunity for local residents to contribute to local planning and transport plans.
- To develop a specialist disability awareness training programme, delivered in conjunction with key learning institutions, for the next generation of urban planners, architects and engineers.

There have been some positive moves by government towards these goals, yet we believe more work needs to be done. In particular, we are concerned by changes made to the built environment in some areas which have resulted in the creation of inaccessible streets for visually impaired people.

In Lowestoft, for example, local visually impaired residents have been deterred from entering the town centre by foot due to a series of developments in which the road has been raised to the same level as the footway. In Dagenham, a visually impaired resident in council accommodation was moved against her will to a different area within the borough, because redevelopment of the streets in her area had left them inaccessible to her.

Guide Dogs are also very concerned about the danger presented to guide dog owners and other visually impaired people by cyclists on pavements. In many cases, the inappropriate segregation of cyclists and pedestrians by simply painting a white line along the footway, or even worse, no attempt to segregate, has led to many visually impaired people and other disabled people too afraid to use their familiar streets for fear of collision. The steady growth in the use of toucan crossings has made the situation even worse. These crossings represent an extreme health and safety hazard to blind and partially sighted people and should be eliminated.

In sum, we feel that the policy of encouraging cycling has been poorly implemented, and needs to be re-examined. Research carried out by the Cycle Touring Club has revealed that neither cyclists, nor pedestrians, are in favour of shared pathways. We recognise that there is a need to provide safe facilities for cyclists, but this should not be done at the expense of pedestrians, or in a way that excludes visually impaired people from the street environment.

Lastly, to ensure the safety of the pedestrian environment, it is important that traffic speed in highly built up areas is not too high. This is especially important for visually impaired people who, in the absence of controlled crossings, often have to judge whether or not it is safe to cross by listening out for traffic. We would suggest that speed limits in such areas be reviewed.

#### *Travel by air and sea*

We remain concerned that the voluntary codes of practice covering air and ferry transport do not appear to be improving provision for visually impaired people, and we eagerly await the outcome of a review being carried out by the Department for Transport and the Disabled People's Transport Advisory Committee.

#### ARE THE PROVISIONS OF THE DDA BEING INTERPRETED IN UNEXPECTED WAYS?

We are aware of train operators purchasing new rolling stock that may not be compliant with DPTAC and DFT standards. In the absence of a firm deadline for compliance, there is no legal way that this can be prevented. We are therefore concerned of the impact this may have on the ability of train operators to meet deadlines for compliance if they have new generations of stock that is inaccessible now.

#### IS ACCESSIBILITY COMING SECOND PLACE TO OTHER CONSIDERATIONS, SUCH AS HEALTH AND SAFETY? WHERE SHOULD THE BALANCE LIE?

Guide Dogs recognises the importance of health and safety considerations and believes that they must always be first priority for transport providers. Our concerns lie with the potential for providers to use health and safety as an excuse for not making reasonable adjustments to services or vehicles, and urge the DRC to tighten guidelines in this respect.

#### IS THERE ANY TRUTH IN THE SUGGESTIONS THAT SERVICES ARE BEING "LEVELLED DOWN" RATHER THAN "LEVELLED UP"?

We feel that it is too early on to accurately assess how service provision is being affected as a result of the DDA.

#### CONCLUSION

Thank you for allowing Guide Dogs the opportunity to put forward its views and recommendations on this very important subject. We would like to conclude by saying that although it is clear that progress has been and continues to be made, our evidence shows that barriers still exist which prevent visually impaired people, and other disabled people, from receiving proper access to public transport. It is our view that government will not be able to properly assess progress until it introduces a range of key performance indicators for each sector of the transport industry, and so we urge the government to consider consulting on this option at the earliest opportunity.

*Tom Pey*  
Director of Policy & Development

*18 November 2004*

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**Memorandum by Leonard Cheshire (DAF 06)**

**DISABLED PEOPLE'S ACCESS TO TRANSPORT**

**INTRODUCTION**

1.1 Leonard Cheshire once again thanks the Transport Select Committee for examining the state of the public transport systems accessibility to disabled people. We welcomed the opportunity to contribute to the last session on this topic and hope we can again be of value to the Committee.

1.2 Leonard Cheshire is the UK's largest voluntary sector provider of support to disabled people. It supports over 21,000 disabled people in the UK, offering flexible services to meet a wide range of needs. The charity also campaigns for the rights of disabled people in the UK and raises awareness of the issues affecting them.

1.3 Last year, Leonard Cheshire produced the *Mind the Gap*<sup>1</sup> report examining the impact that an inaccessible transport system has on the social exclusion experienced by disabled people and so is well placed to comment on the issues raised by this current consultation. A key finding of this report was that disabled people are denied access to key civic services and their opportunities to socially participate are severely limited.

1.4 Inaccessible transport has a major impact on disabled people's independence, social participation and employability. 60% of households with a disabled member do not have access to a car (compared to 27% of the general population) so access to the public transport system is a crucial part of many disabled people's lives.

1.5 Findings from the *Mind the Gap* report show that disabled people's access to employment, healthcare and social activities are limited as a direct consequence of inaccessible transport. Government initiatives to reduce health inequalities and encourage greater employment amongst disabled people are often thwarted by inaccessible transport and suggest a lack of joined-up government. 23% of disabled people actively seeking employment have had to turn down a job due to inaccessible transport. 60% of wheelchair users and nearly 90% of visually impaired people also said they were restricted in the jobs they apply for because of inaccessible transport. The impact of inaccessible transport on disabled people's employment chances cannot be underestimated and any review of Incapacity Benefit and other employment related benefits must take this into account.

**2. WHAT PROGRESS IS BEING MADE IN ENSURING THAT DISABLED PEOPLE HAVE PROPER ACCESS TO TRANSPORT?**

2.1 Since the Transport Select Committee last conducted an investigation in this area, there have been a number of developments but unfortunately little real progress. Developments in each of Leonard Cheshire's main areas of concern are detailed below.

*Rail Vehicle Accessibility Regulations (RVARs) and rail vehicle end dates*

2.2 Leonard Cheshire welcomes the Government's intention to include measures in the proposed Disability Discrimination Bill to set an end date for rail vehicles to comply with accessibility regulations. We are, however, very concerned about the length of time that it is taking for this important Disability Rights Taskforce recommendation to be acted upon. We hope the Committee will take this opportunity to investigate both the content and end dates for complying with RVARs.

2.3 In its response to the Joint Committee's report on the Draft Disability Bill, the Government stated its intention to conduct further, and in Leonard Cheshire's view, unnecessary, consultation on an end date. Leonard Cheshire calls for an end date to be included on the face of the Disability Discrimination Bill when it is introduced into Parliament next session.

2.4 Leonard Cheshire campaigned on end dates for rail vehicles through its "*All Aboard!*" campaign. No date has yet been set, but the Government has indicated a preference for 2020 whilst Leonard Cheshire would like to see the earlier date 2017. This date would bring trains in line with buses and is entirely practicable. This would also indicate a clear commitment to enabling disabled people to make full use of the rail system at the earliest possible opportunity.

2.5 Alongside the end date the Government is also expected to consult further on changes to the content of the RVARs. We expect that these will include a duty on rail vehicle operators to install audio-visual passenger information systems, in line with the Joint Committee's recommendations. In addition the Government needs to review the Passenger Service Vehicles Accessibility Regulations for buses, as their requirements for passenger information systems are not meeting the needs of disabled people.

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<sup>1</sup> Campion *et al*, *Mind the Gap*, Leonard Cheshire, 2003.

2.6 As they stand the proposals to change the RVARs provide little reassurance that important changes such as installing properly accessible toilets on trains will be prioritised. Through Leonard Cheshire's "*Bog Standard?*" campaign we have heard many examples of disabled people not using the rail network due to inaccessible toilets on trains and in some instances being placed in humiliating and inhumane situations as a result. Leonard Cheshire calls for the Government to give priority to accessible toilets when making changes to RVARs.

#### *Transport provisions in the draft disability bill*

2.7 Leonard Cheshire is eagerly awaiting the publication of the new Disability Discrimination Bill. Given the many important aspects of this Bill for disabled people, we are concerned that the Bill continues to suffer delays and, despite cross-party support for the Bill, it has recently become a victim of party political disputes over timetabling and procedure.

2.8 Leonard Cheshire welcomes the provision within the draft bill that allows for the extension of the DDA (1995) to transport services however we are disappointed that yet another year has passed during which transport operators continue to be exempt and can lawfully discriminate against disabled people.

2.9 Leonard Cheshire are disappointed with the Government's decision not to remove fully the blanket exclusion for transport providers but to introduce regulation making powers that allow it to be removed on a sector-by-sector basis. Ambiguities surrounding the areas of responsibility within the transport infrastructure remain and it is unfortunate that the Government have not taken the opportunity to remove them.

2.10 The recent court case supported by the DRC against airline Ryanair gives a clear example of how it is difficult for both the courts and the individual disabled person to ascertain who is responsible for ensuring access when certain parts of the transport infrastructure are covered by the DDA and others are not.

2.11 Once the Disability Discrimination Bill has been passed Leonard Cheshire would like to see the regulations that lift the transport exemption introduced quickly and hope they will include clear instructions to transport providers on their requirements to provide reasonable alternative means of accessing a service. We look forward to the speedy publication of the DRC Codes of Practice on Transport that will accompany these regulations and should provide further clarity to both disabled passengers and transport providers of their obligations.

#### *Aviation and Shipping*

2.12 As it stands aviation and shipping will remain exempt from the DDA even after the Disability Discrimination Bill is passed. It is suggested that they will only be brought under the legislation if they are found to be failing to comply with existing voluntary Codes of Practice. Aviation and shipping continue to be a large problem for disabled people and Leonard Cheshire hears many examples of non-compliance from disabled people.

2.13 Leonard Cheshire have been working with researchers investigating compliance in both industries and have unfortunately been able to provide many examples of disabled people who have been refused access or received a poor service from both the aviation and shipping industry.

2.14 The impact of the exemption for shipping on the social exclusion of disabled people in the Highlands and Islands will be considerable because of the reliance on this form of transport for day to day rather than occasional; tourism activities. Leonard Cheshire Scotland have been providing examples of non-compliance to researchers into ferry accessibility.

2.15 The Regulatory Impact Assessment which accompanied the earlier consultation on end dates stated that relying on voluntary compliance from the transport sector "*would not provide disabled people with confidence in the transport network as a whole. And it would not deliver against the Government's manifesto and policy commitments*". Leonard Cheshire agrees strongly with this and would like to see both aviation and shipping brought immediately within the remit of legislation.

### 3. ARE THE PROVISIONS OF THE DISABILITY DISCRIMINATION ACT BEING INTERPRETED IN UNEXPECTED WAYS?

3.1 The remaining parts of the Disability Discrimination Act 1995 (DDA) came into force in October this year requiring transport operators to make their services accessible, although vehicles still remained exempt. In theory this means that all stations and ports should now be accessible to disabled people and where they are not, appropriate alternatives should be provided.

3.2 Leonard Cheshire welcomes the fact that as a result of this nearly all rail operators have now revised their Disabled People's Protection Policies. Many of the policies, however, list restricted or no access to a large number of stations and requirements for disabled people to book in advance for rail travel. Book ahead systems ruin the spontaneity of travel for many disabled people and harm the employability of a disabled

person wishing to attend meetings at short notice. The fact that these policies vary so widely suggest that the DDA is being interpreted inconsistently by the rail industry despite SRA guidance on what is expected under the law.

3.3 On rail stations interim research by Tripscope found that around 60% of stations in Britain are not accessible to disabled people. Unfortunately this has been largely a result of poor planning rather than a lack of resources. This is clearly demonstrated by the example of Bromley South station owned by South Eastern Trains. The entrance to the station underwent a £200,000 refurbishment last year but all platforms remain inaccessible to wheelchair users who are told they must travel from the nearest accessible stations over 10 minutes drive away.

3.4 The recent court case taken by Keith Roads against Central Trains under the Disability Discrimination Act (DDA) 1999 duties gives rise to another area of concern. The judge ruled that Central Trains acted unlawfully by not paying the cost of Mr Roads cab fare to drive him to the other side of the station when direct access to the required platform was not possible due to physical barriers. This was a clear case of discrimination under the DDA and we welcome the decision made, however the judge made it clear that the ruling was limited to Mr Roads' case and would not set a legal precedent. If judges are reluctant to set precedents in transport cases then progress in improving access is likely to be slow and disabled people will have to fight every instance of discrimination through the courts.

3.5 Leonard Cheshire would like to see increased support for individual disabled people facing illegal discrimination by transport operators. The law is now in place and despite guidance on the issue a number of operators continue to fail in their legal obligations.

#### 4. IS ACCESSIBILITY COMING SECOND-BEST TO OTHER CONSIDERATIONS, SUCH AS HEALTH AND SAFETY? WHERE SHOULD THE BALANCE LIE?

4.1 Following informal discussions with some ROSCOs about the issue of improving accessibility, Leonard Cheshire is concerned about the lack of will to improve the availability of new accessible stock and remove old inaccessible stock. It would appear that accessibility is quite often last in a list of considerations, which include aversion to risk, profitability, health and safety and over-crowding.

4.2 The basis for some ROSCOs objections to the regulatory path to accessibility may be because of the risks this poses to the banks that own the companies on their investment. We would argue that the exemptions procedure for non-compliant stock provides adequate insurance that largely accessible trains with very minor deviations from the regulations would not be forced to undertake disproportionately costly refurbishments. As they are owned by banks ROSCOs are by their nature risk averse and if an exemption is not absolutely guaranteed they may well pass on any potential risk to Train Operating Companies by increasing their leasing costs, even if exemptions would almost certainly be granted. Leonard Cheshire believes that the exemptions procedure makes the risk that ROSCOs face extremely low and they should be prepared to accept the small element of risk they do face as a consequence of conducting business.

4.3 In a submission to the Government,<sup>2</sup> HSBC rail said "*With the exception of a small group of wheelchair users where a lack of accessible toilets may prevent longer journeys, non-fully compliant vehicles do not prevent use of the railways system. We believe that the consultation over-states the case for regulation and exaggerates its benefits.*" Leonard Cheshire strongly disagrees with this statement and feels it further demonstrates the industry's lack of understanding about the issues affecting disabled people using the rail network and a general unwillingness to address accessibility issues. The ROSCOs' main concern is about the risk to profitability caused by removing several seats to fit accessible toilets and wheelchair spaces. So once again accessibility has come second to profitability. It should not be acceptable for any group of disabled people however "small" to be unable to travel or be limited in the distances they can go because of inadequate toilet facilities. Our "Bog Standard" campaign highlights that this is sadly too common for many disabled people.

4.4 Leonard Cheshire is also concerned that some ROSCOs would view any end date as costly and that under the current system little can be done to enforce compliance. Health and Safety regulations have already been ignored through the continuing use of slam door trains well beyond the pre-arranged date for their removal. The failure of ROSCOs to increase the availability of regulation compliant stock is well documented in a recent report by the House of Commons Committee of Public Accounts<sup>3</sup>.

4.5 Because of the concerns given above, when regulations are published, Leonard Cheshire will be looking to see what changes have been made to the enforcement procedure. We have asked the Government that the changes to the enforcement of the Rail Vehicle Accessible Regulations place a responsibility on ROSCOs to meet the access standards, given their role in the production and the refurbishment of rail vehicles. The Government could do this by making them share with the Train Operating Companies the

<sup>2</sup> Response to the "*Consultation on the Government's proposals to amend the Rail provisions in Part V of the Disability Discrimination Act 1995*", January 2004.

<sup>3</sup> 34th Report of the Committee of Public Accounts, *Strategic Rail Authority: Improving passenger rail services through new trains* (HC 408, Session 2003–04).

financial risks of not meeting the standards. Leonard Cheshire would urge the Government to ensure that ROSCOs who lease inaccessible stock and TOCs that operate inaccessible stock beyond any deadlines, would receive tough and effective sanctions.

4.6 There is also a need for a clear programme of improvements to be before these deadlines and all groups involved should be required to report to the Department for Transport on their progress.

#### 5. IS THERE ANY TRUTH IN THE SUGGESTIONS THAT SERVICES ARE BEING “LEVELLED DOWN” RATHER THAN “LEVELLED UP”?

5.1 Leonard Cheshire is concerned that “levelling down” may be occurring at a European level. It is possible that current planning on rail accessibility for disabled people at a European level may be in conflict with legislative progress being made in the UK.

5.2 When responding to the Government’s consultation on rail end dates and changes to RVARs, one ROSCO cited European interoperability regulations as a reason for it being impossible to make changes to the RVARs. This demonstrates a potential desire from the rail industry in the UK to use less restrictive European regulations to prevent them making improvements to accessibility in the UK.

5.3 The European Association for Rail Interoperability (AEIF) Working Group is currently drafting technical specifications for interoperability (TSIs) relating to accessibility for passengers with reduced mobility. Given the rail industry’s lack of experience in this matter, the European Disability Forum (EDF) has argued for the need for the direct participation of qualified accessibility experts from representative disability organisations. They have so far been refused and as a result remain concerned that the content may result in a “levelling down” of standards.

5.4 Leonard Cheshire supports calls for the EDF to be involved in the consultation process for any European regulations that would affect accessibility. We would vehemently oppose any regulation that would result in the rail industry being able to avoid undertaking accessibility improvements to their rolling stock.

#### 6. CONCLUSIONS

6.1 Legislative progress is being made in many areas of the transport industry albeit slowly. Leonard Cheshire remains very concerned that the industry as a whole is not prioritising the need to improve accessibility for disabled people. Leonard Cheshire remains concerned about the lengthy timetable for change to accessibility across the transport industry. We are particularly concerned about the slow progress on trains, aviation and shipping. Many of the improvements so far appear to amount to paper policies and not practical outcomes and improved rights of access for disabled people. This view is reinforced by the personal testimonies of many disabled people.

6.2 Even when the legal framework is finally in place, it is vital that the Government ensures that the transport industry fully acknowledge both its moral and legal obligations to provide an equal service to all passengers by whatever means. There is a growing feeling amongst some disabled people and representative organisations that many transport providers may ignore statutory regulations to improve accessibility, seeing any possible financial penalties as an acceptable “cost” against the already huge profits they are making. Disabled people have been excluded from the transport system for long enough and the industry should not be allowed to avoid their responsibilities in providing a truly public transport system that is accessible to all. Disabled people should be seen as an asset, not a cost.

*November 2004*

#### **Memorandum by the Tandem Club (DAF 07)**

##### **DISABLED PEOPLE’S ACCESS TO TRANSPORT**

The four thousand or so members of the Tandem Club ride tandems for a wide variety of reasons. Many of them ride a tandem because some disability precludes them from riding a conventional bicycle. Disabilities suffered by tandem riders include sight impairment, physical disability, balance difficulty, mental problems to mention just a few.

In the days when the majority of trains had luggage vans tandems could share the luggage van with wheelchairs and other baggage.

With the demise of Luggage Vans and the implementation of the Disability Discrimination Act space has been made available in the seating area of all trains for wheelchairs, but no provision has been made for tandems.

The report, “Bike and Rail, a good practice guide” published jointly by the Department for Transport and the Countryside Agency (CA175) recognises that large cycles such as tandems and bikes with Rann trailers are used by disabled cyclists and families and advocate that space be made available on trains for them (see page 24). However, the stand taken by the Strategic Rail Authority, stated in a letter to me earlier this year, is that “Tandems are likely to exceed the size limit of one metre in length specified in the rules for

carrying items on trains". Given that a conventional bicycle which, typically has a length of 1.7 metres exceeds the "one metre limit" but is carried on most trains, the implication of the SRA statement is that a tandem is not even a cycle; it is merely a piece of luggage!

The SRA's "Cycling Policy" document published on 11 November 2004 makes only one reference to tandems: "When buying new trains, or when carrying out rolling stock refurbishment, train operators must consider whether dedicated space for cycle carriage (including handcycles, tricycles and tandems) and flexible space capable of accommodating cycles, separate from designated wheelchair space, can be economically provided." Which, in practice means that if a new design just happens to be large enough for a tandem, then fine; but if it might need extra expenditure, however small, then they need do nothing?

A tandem, for some, can justifiably be regarded as a mobility aid, in that no other means of transport is available to them. One such example is a couple, one of which is blind, the other of which is unable to drive. They neither have access to car nor conventional bicycle. Others where one rider can drive would prefer to travel by train, possibly for environmental reasons, and to have the same access to travel as other cyclists, yet, because they have to ride a tandem cannot do so.

A tandem, which is typically less than 50% longer than a conventional bicycle can be accommodated already on many of the trains in service today. However, all except three of the train operating companies have a total ban on tandems, and the other three have severe restrictions. Reasons given are often unsubstantiated and, when pressed resort to the SRA statement quoted above.

When asked about placing a tandem in an unoccupied wheelchair space which is often the best place for a tandem, TOCs reply that this is not permitted despite it being large enough, unoccupied and labelled for use by disabled passengers

Alternative options, given in both the DfT/CA and SRA documents for combining cycle and rail travel are unavailable for tandem riders. At up to £4,000 each it would be prohibitively expensive to have a tandem at both ends of the train Journey; cycle lockers are too small for tandems; "Sheffield" stands are not secure enough for such a valuable machine; where cycles are available for hire tandems are often not available; tandems may be specially constructed or adapted to accommodate the disabled rider, therefore even if a tandem is available for hire, it may not be suitable.

The Disability Discrimination Act has made life a lot easier and more comfortable for wheelchair users and to a certain extent for visually impaired foot passengers, but has failed to recognise the needs of other disabled travellers

This situation could be remedied in most cases at little extra expense. Firstly by requiring Train Operating Companies to carry tandems where space is available, regardless of whether it has been designed specifically for a tandem or not. Secondly to require the SRA to regard a tandem in the same way as other cycles. Thirdly to require Train Operating Companies to provide space for tandems when rolling stock is refurbished. Fourthly, to remove the anomaly where a tandem is regarded as neither a cycle nor a mobility aid where in many cases it is both.

*Peter Simpson*  
Rail Liaison Officer

*November 2004*

### **Memorandum by Gordon Selway (DAF 08)**

#### **DISABLED PEOPLE'S ACCESS TO TRANSPORT**

1. I wish to draw the attention of your Committee to the problems of people with conditions which are often not recognised by members of the public as impairing mobility, but which most certainly do so.

2. Before addressing the questions your Committee wishes to hear evidence on, it may be helpful to give some information about myself.

2.1 I am a 55-year old single male, who has for many years suffered from damage to the cartilage of my right knee. The damage is operable, but I have been advised that there are difficulties about surgery on account of my weight, and that there may be a significant risk of an adverse outcome. I am therefore content to leave things as they are until I receive different, and better, advice about the likely outcome of an operation. I should add that I have other conditions which count as disabilities or which may lead to them: I am asthmatic and diabetic (the insulin dependent form); I suffer from psoriasis and tinnitus, have sustained a traumatic retinal detachment and cataract, and am cyclothymic. On the last occasion my level of disability was assessed (and before the diagnosis of insulin-dependent diabetes was made), it was judged that I am 50% disabled.

2.2 The damage to my knee results in a range of internal sensations. We are not as a rule conscious of the various components of our bodies while they are working well, but I am always aware of my knee: when things are relatively well there is a very low level of discomfort; if I try to walk any distance unaided the level of discomfort often rises, and may become excruciating. This state of affairs is exacerbated when trying to walk up or down hill.

2.3 The visible results of my knee difficulties include a need to walk with the aid of a stick (or some other means of support), and a propensity for my knee to give way. This last is a particular source of risk, since the medical advice I have been given is to ensure that I do not make the knee experience compression, torsion and flexion at the same time, as there is a more than negligible possibility of further damage being caused as a result, and if I should fall it is quite likely that a lengthy period of hospitalisation may be needed for the surgery and recuperation which may then be required.

3. Though walking is difficult for me—and my condition means that I cannot at the moment enjoy hill-walking, which is a great loss for me—there are no problems with cycling, as the weight which causes the compression when walking is for the most part borne by the bike itself via the saddle, the amount of flexion is regular and small, and the torsion negligible. Since the energy required to cycle is overall distinctly less than that required to walk, my cycle enables me to get about more or less freely, subject to the limitations which I mention below. When I am cycling (and I have cycled over 125 miles in 24 hours in the last 15 months, though my daily average is perhaps 15–20 miles) I do not experience the exacerbation in relation to the pain generated by the cartilage damage I do when I walk with a stick.

4. I was formerly in practice as a solicitor, but my various disabilities mean that I am not now suited to regular employment. I am currently in receipt of Incapacity Benefit, and for that I have been examined medically and adjudged unfit for any work. The medical advice I have received is that, nonetheless, I should undertake voluntary work which is not dissimilar to that I might be expected to perform if I were fit for work. As a result of that advice I have become involved with the work of the Campaign to Protect Rural England [CPRE], the Cyclists' Touring Club [CTC], the Liberal Democrats, and Transport 2000 [T2000]. I am currently the CPRE Worcestershire branch spokesman on transport matters, a member of the National Council of the CTC, and of the Policy Council of T2000. I have also been chosen as the Liberal Democrat candidate for a current bye-election to my District Council. Though all these organisations are aware of my situation, I have not written this memorandum in my capacity as their representative.

5. I should add that, though I have a driving licence, I do not own a car, and do not regularly drive at present, though I do often travel by car as a passenger with family members and friends, and make use of taxis. Long distance travel is by train (where there is a railway). I always take my bike with me, since I need it at both ends of my journey, and my travels do not have a daily pattern so that I would need to keep spare bikes available at a number of distant stations if I could not take my bike with me.

6. My responses to the questions raised by your Committee.

*A. What progress is being made in ensuring that disabled people have proper access to transport?*

My nearest station [Bromsgrove] is unstaffed, has no unstepped access to one platform, and has a relatively poor service compared with the demand [a matter which I have covered in other memoranda submitted to your committee, to the Strategic Rail Authority, and to transport ministers]. I can, with difficulty, negotiate the footbridge, using my bike as a kind of walking stick. The nearest station with unstepped access [Droitwich Spa] is some 10 kilometres (six miles) away, compared with two kilometres to Bromsgrove.

The outcome of all this is that there are occasions when I need to use Droitwich Spa station, but I usually have to get there or come back by cycling, as there are very few taxis here which can carry bikes (or indeed wheelchairs). In addition, the cycling tends to be early in the morning or late at night.

I have to say that there has been no sign of any attention being given to making access to rail easier for disabled people here. It seems to be assumed that we will have ready access to the car if we wish to travel, and the concentration for public transport is on commuting rather than travel generally. Access to the far platform at Bromsgrove station (which was restored only fourteen and a half years ago) was to be by a pathway sloping down from the road at the north-east end of the station, but ground conditions apparently meant that a footbridge had to be substituted, and the only one available (second-hand as it were from South Wales) had steps.

Despite enquiries of my county council (as the transport authority whose predecessor paid for the restoration of the platform and for the footbridge I have previously mentioned), of the station operator (Central Trains) and of Network Rail Great Western (in whose area the station lies), I am not aware of any progress towards making the far platform at Bromsgrove station fully accessible. The usual response is to suggest travel via Birmingham (to go south) or Droitwich (for arrivals from the north), both being fully accessible, so as to leave or arrive via the accessible side of Bromsgrove station. However, that entails considerable extra cost, as much in time (each option requires a wait of almost an hour at Birmingham or Droitwich) as in money: the fare via Birmingham to Bristol is perhaps twice that direct, for example.

My bike is often (though not on the railway) not seen as a mobility aid, even though if I did not have it with me I would almost certainly need to be in a wheelchair. Where there is no train service to accommodate me and my bike, it is rare for me to be able to travel by bus, though I have in the past couple of years taken my bike on stage carriage services where the vehicle has not been specially adapted to carry bikes, but where the driver concluded that it could be carried without posing a risk to other passengers.

However, those cases were in a minibus in Ireland and on a single-deck bus in highland Scotland, in both cases where it was possible to secure the bike so that it would not obstruct or cause difficulty for other passengers, and the drivers seemed to want to help. I would add that in both cases, the regular passengers on the buses pointed out potential customers on the road, but that is clearly another story.

The situation in England is much more disconcerting. Even where there is space for a bike to be carried as luggage underneath or at the side or back, there have been occasions where I have been refused carriage on buses taking the place of trains. To put it in general terms, there is great difficulty on the part of some people in understanding that a bicycle can perform the same function as a wheelchair. Perhaps their perception of cycling is that it is an activity which requires more than usual effort, whereas it offers much more output in terms of distance covered than walking does for the same energy input, and that it can only be undertaken by able-bodied people.

*B. Are the provisions of the Disability Discrimination Act being interpreted in unexpected ways?*

I have not yet encountered any cases relating to rail travel, and so far my problems have come more from ignorance of the Act's provision rather than perverse application of it. I have had problems in other contexts when arriving at a destination by bicycle. The Bournemouth conference centre is for example not particularly friendly towards the disabled, and when I was at an event there recently I encountered an offensive lack of awareness of the Act on the part of the security staff.

On the other hand, when travelling by train, I often meet a "common sense" approach, and have rarely had problems with taking my bike along, even on trains where formally there is a ban on bikes. I know that many operators have made arrangements for their "front of house" staff to receive some training in respect of the Act, but I do not know whether that has had any effect on my own experiences.

*C. Is accessibility coming second-best to other considerations, such as Health and Safety? Where should the balance lie?*

In the case of the disabled cyclist, nonsense about safety is often put forward as a reason for exclusion of the machine, even where there is no provision for secure storage or for dealing satisfactorily with the safekeeping of luggage. The "other considerations" appear to include lack of awareness of the provisions of the Act! The balance should depend very much on the kind of provider, but that is no more than another way of understanding what "reasonable provision" may be in all the circumstances of the case.

*D. Is there any truth in the suggestions that services are being "levelled down" rather than "levelled up"?*

I have not had any experiences which allow me to comment on this question so far.

November 2004

**Memorandum by Mark Blathwayt (DAF 09)**

**DISABLED PEOPLE'S ACCESS TO TRANSPORT**

**INTRODUCTION**

1.1 It is hard, in the time available, to do real justice to the most important events affecting people's access to transport. Why is this especially true and important for people who use public transport in their electric wheelchairs? What happens when they like to travel with their friends, partners or team mates on the same bus, tram, train or aircraft or ship?

1.2 A flavour of the most up to date position can be given by attempting to answer the Committee's four main questions by reference to recent experience.

*A. What progress is being made in ensuring that disabled people have proper access to transport?*

**Health, Mobility and Inclusion**

2.1 In the provision of specially adapted cars this country still leads the world, but that can never be the only answer as we strive to better our obligations under the Kyoto Treaty relating to carbon emissions. The private car, even for wheelchair users, can only ever be one part of a coherent transport policy.

2.2 Public transport will be expected to become more inclusive and more accessible as the age profile of the country's population changes and more of the elderly and more people who use wheelchairs continue to wish to get about independently.

2.3. Improvements in physiotherapy, palliative care, and medical practice mean that people who used in the past to be housebound can continue to work and lead full active social lives.

2.4 Public transport must improve even more rapidly than it has up to now just to keep up with demand from people who use wheelchairs. Failure to react appropriately and logically to improve, will frustrate, waste, exclude and challenge the idea of respecting intrinsic human dignity.

#### London Olympic Bid 2012 and Paralympic Games

3.1 The public launch, on 19 November 2004, of the bid to hold the Olympic Games and the Paralympic Games in London in 2012, offered a significant opportunity to ask what progress is being made, and whether lack of progress in some areas is acceptable.

3.2 Will the Olympic bid accelerate making it possible for groups of people who use wheelchairs to travel, together, on the same train or tram as other members of their team family or club?

3.3 The citizens of Greater Manchester pointed out in Westminster this month, that it is difficult to detect progress when the expansion of a successful tram system is ear-marked for cuts that prevent it including newer more isolated communities. It must be recognised that buses are unable to be as reliably flexible as the Manchester Metro was during the recent Commonwealth Games and the Paralympic Games in that city.

3.4 Will the Olympic bid help to make certain that wherever Paralympic sport is held in Europe, it will be easy and welcoming for groups of people to use whatever wheelchairs suit them to travel on all types of trains able to go through the Channel Tunnel?

3.5 The answers to these questions are important. Phrased in the wrong way they might scupper the bid.

3.6 Expressed clearly, and acted on swiftly, they have the potential to give to people of all different abilities the public transport system that is relevant and accessible to all.

#### Department for Transport's role to improve widespread knowledge of best practice

4.1 The need for better more open and non-defensive sharing of technical knowledge is essential to speed up improvements and find out where overlooked needs have arisen.

4.2 It is important that very soon the Department for Transport Mobility and Inclusion Unit must publish the various responses it has received to its Consultation on the Government's proposals to amend the Rail provisions in Part V of the Disability Discrimination Act 1995.

4.3 Learned, informed, technical and social submissions to a specialist government department that makes policy and formulates legislation must be available swiftly and openly both to the public and key players or progress is hampered.

4.4 We are all disabled needlessly if the opportunity for cross-fertilisation of ideas is lost. Progress cannot flow from the Department for Transport internet links if they are not put in place.

4.5 What precise progress is being made unavoidably remains in doubt if it is not known exactly what groups are being canvassed and listened to, and which are poorly identified and left in the dark?

4.6 Are the Rugby Football Union, the Football Association, cycling organisations like CTC and The London 2012 Olympic Bid Committee and others being actively encouraged to give their views and vision on Transport Access for those of All Different Abilities especially those who use wheelchairs?

4.7 Much has happened since the Mobility and Inclusion Unit was founded. The Head of the Unit is quick to say that progress is still not enough. Do we really know why?

4.8 It is a sad and depressing fact that since I began to be involved in a more direct way in 1987, the Department for Transport, the Mobility and Inclusion Unit, the Disabled Persons Transport Advisory Committee (DIPTAC) and the House of Commons Transport Select Committee, say they have received comments, advice, representations and evidence from only one source representing groups of people who use wheelchairs in parties or groups.

#### An important step forward

4.9 A recent report suggests there is now at least one member of DIPTAC who is in a position to make some representation about the needs of groups and the experiences of groups using wheelchairs. That is a quantum leap in progress and the development must be welcomed. Such consultation must not be narrow or inward looking however specialised.

4.10 Can it really be true that only one source is calling for full examination of the simple question "Is it a relevant ideal to be aimed for that, sooner rather than later, every railway carriage in Europe that has a WC should have that WC Wheelchair Accessible?"

4.11 To what extent does all progress seem very patchy so long as regulations do not recognise that it is the individual bus or railway carriage that is the single indivisible unit of construction that sets the threshold for fair access to transport? It's no good if only 25% of the buses or 25% of the railway carriages are wheelchair accessible.

### The problem of obsolescence

4.12 Progress means recognising obsolescence. Failure to aim for the highest standards of bus, aircraft or train accessibility today means that in the future such vehicles will be functionally obsolescent in wheelchair access terms before being physically in need of replacement. That is wasteful. That is not progress.

4.13 According to Department for Transport records, no question has been asked in either House of Parliament on the subject of parties, organisations or clubs who use wheelchairs in groups or on behalf of partners who need to travel together in wheelchairs on trains. Is this a satisfactory way to gauge the need for progress?

4.14 Growing numbers of electric wheelchair users will, unless provision is better, be forced by lack of capacity on trains, to give up their independence and freedom to choose train and to have no choice but to use a car or minibus instead. People hoping to fly need reassurance that their electric scooter that gives them independence abroad, will be allowed on the aircraft.

### B. *Are the provisions of the Disability Discrimination Act being interpreted in unexpected ways?*

#### Rugby supporter tackled for no kitemark

5.1 *The Bath Chronicle* reported recently how Mr Coe, a regular attendee at Bath Rugby matches on the Recreation Ground (The Rec) was told by the train company that he could no longer use his electric wheelchair in which he had for over six years travelled from his home in Chippenham to Bath. His chair did not have a kitemark he was told. On 19 October the House of Commons was informed that the system of granting kitemarks was not yet in operation

5.2 How was the train company expected to act in those circumstances? *The Bath Chronicle* has not yet reported the outcome. Electric wheelchairs exist. Can further discrimination based on choice of wheelchair be avoided? Instead should not ways be found of accommodating all such chairs safely? Is that not what one would expect in open society?

5.3 The Mobility and Inclusion Unit has now been in existence for about twenty years and knows about managing change and how it prefers to listen to the agenda for change. Every day it knows what it is to juggle what is possible today with what is possible tomorrow.

#### Is it yet the time of sea change?

5.4 There seems to be continuing resistance, nevertheless, to the idea of embracing wholeheartedly initiatives which would give fuller inclusion and mobility, and send a more powerful message in the long run.

5.5 What is wrong with saying “Stop, right this minute, continuing design work or beginning to commission even a single new railway carriage bus aircraft or ship unless it is fully accessible to the most potent electric wheelchairs”?

5.6 Is it not easier and less disruptive to follow that approach than to try, with the best efforts of the Chair of the Disability Rights Commission, to decide on precisely what far off end date is feasible or realistic for making, for example, all railway carriages that exist at the moment compliant, or to widen the aisles on aircraft?

#### New ideas on the airwaves

5.7 One morning, earlier this month, on the B.B.C. Radio 4 Today programme, suggestions were made that there was a very good commercial case to be made for a number of special Channel Tunnel compliant railway carriages to be constructed for “Trade Fair Promotion”, Diplomatic and visiting Head of State purposes and other niche uses. The cost was estimated at £30 million.

5.8 If such a new style commercial state train is built I am sure that every effort would be made to make it readily available to wheelchair users. Such special trains would undoubtedly be made suitable for pilgrimages of various kinds and for use in connection with each and every sort of paralympic sports competition in Europe in the future. Would Health and Safety permit it?

#### What can be learned from the past?

5.9 A little history may be important here. On 20th October 1998 I presented a discussion paper dated 19/10/1998 at the Mobility and Inclusion Unit offices at Great Minster House. It was entitled “When shall we travel together when we want to?”. It addressed the question held in the title heading of the agenda that day which was

*“Integrated transport. Does it really matter whether or not groups with different abilities are able to travel together on public transport?”*

A follow up letter giving more precise Channel Tunnel protocol proposals for the Mobility Unit to discuss with The Health and safety Executive followed on 2 November 1998. After all this time can actual progress to be made on this immediately?

5.10 It is important to reflect that only a few years later there were preliminary discussions in the Palace of Westminster about a very similar project, that would have provided three train sets for roughly same cost and of similar modest style for a long distance, inter-regional “Grampian-Pennines-Pyrenees” overnight service that would have had much in common with the recently opened new North (Darwin) to South (Adelaide) trans Australia service “The Ghan”. The relevance of a European such train to paralympic sport and all other potential uses cannot be overstated. Not so much a hotel on wheels, more a very smart youth Hostel on wheels.

5.11 The new ideas would seem to give the lie to the advice of the marketing men from the airways who reported to government that there was no worthwhile market for train journeys over 300 miles, and that the overnight inter-regional “Nightstar” carriages might as well be sold abroad. (They were sold to Canada)

*C. Is accessibility coming second -best to other considerations such as Health and safety? Where should the Balance Lie?*

#### Bicycles and disability

6.1 Yesterday, the Office Manager of The Society of Our Lady of Lourdes in Mill Hill revealed that some people, including those with medical conditions, use bicycles, more than might be supposed to maintain quality of life, fitness, and independent mobility.

6.2 He cites the recent instance of someone who needs their bicycle to get around wishing to go to Brussels. He went to Waterloo International and was told by Eurostar staff “Yes, He could take his bicycle. He would have to dismantle it suitably pack it and leave it with us at Waterloo 24 hours in advance” “What was he supposed to do in the meantime?” he asked.

6.3 Eurostar train sets were built with racks for six bicycles. Were these already being used?

Cycling bodies, including CTC, have always said six spaces were never enough anyway.

Are the needs of people who need bicycles for the amelioration of medical conditions being ignored? . . . or just overlooked? And the Bicyclist? . . . He gave upon Eurostar and was welcomed cheerfully into the large accommodating luggage van by the guard on the Connex local train to Dover, and went on his bike by ferry instead.

6.4 He said, among his friends, there exists a general perception that Eurostar is anti-disabled, uncomfortable if you are very tall and short of luggage space whoever you are. Won't this have to change before the 2012 Olympics?

#### A Channel Tunnel View

6.5 The Operations Director of Eurotunnel wrote a special letter about Lourdes Pilgrimages via the Channel Tunnel: “ We agreed when we discussed the matter on the telephone that the Tunnel should provide the most convenient form of transport for disabled passengers who would not have to switch modes so frequently during their journey. The prospect of a considerable number of handicapped passengers travelling in one train does not give me cause for concern since I believe our capability and flexibility with regard to any possible need to evacuate is substantially better than in any other form of rail, sea or air transport, since we have not only a continuous walkway but the availability of the other two tunnels for speedy return to either of the terminals in the unlikely event that this became necessary.

In any event, the arrangements which have been put in place for the Tunnel which permit the rescue of an immobilised train by the use of one of our own shuttle locomotives or by one of the stand-by diesel locomotives also mean that the need to consider evacuation seems remote in the extreme.”

6.6 Since then there have been fires in the Tunnel and many other incidents. The safety measures worked even when protocols and proper procedures were not followed. None of the fires or incidents were caused or made more difficult by wheelchairs.

6.7 The question must be asked again “If the needs of wheelchair users had been addressed with the same sense of purpose as the other requirements and needs of Eurotunnel and Eurostar would not proper answers been found workable by now?

6.8 In 2002 Eurostar figures provided to the Minister for Transport indicated that only 4% of Eurostar's seating allocation (two places per train each in a separate carriage) for people who used wheelchairs were ever used. Why was this so low? asked Planet Practice. Was it because, as noted in the Department of Transport's consultation draft, Eurostar is not the best example of a wheelchair friendly train? Why is that so?

6.9 Is it possible that issues concerning perceived accessibility problems raise that real economic cost, the issue of “unexpressed demand”? It is increasingly difficult for partners both using wheelchairs, or for sporting or other cultural groups to travel by train, and travelling by air brings its own problems. Should it not be getting easier? They know the difficulties. They do not think it worth trying to persevere when so much seems against them. The struggle is one of attrition.

*D. Is there any truth in the suggestions that services are being “levelled down” rather than “levelled up”?*

#### One girl’s story

7.1 In Bath, the Medical Director of the Royal National Hospital for Rheumatic Diseases emphasised how important it is to maintain choice for people who use wheelchairs.

7.2 A young patient of his lives with juvenile arthritis. She commutes to work regularly from Oxford to Guildford. Such journeys by train for wheelchair users are fraught with difficulty so she takes her chair by car.

7.3 For one recent appointment in Bath she left the car in Oxford to come by train because that morning she had decided she was too tired to drive having been unavoidably delayed till late at a large concert at Wembley the night before. She found the direct hourly Oxford-Bath-Bristol train service that used to run and took 55 minutes had been abolished. Going via Didcot or Reading her journey took about two hours. More important what would have happened if the space for a powered wheelchair had already been taken? Or if pre-booking was required 24 hours ahead? Or if someone had asked to see the kitemark on her chair?

#### The need for a different sort of leadership

8.1 The reluctance of the Lottery and earlier the Millenium Commision and others, to get involved in improving transport for wheel chair groups suggests that even among the great and the good there is sometimes a passive satisfaction with the concept of not starting a process of levelling up too enthusiastically.

8.2 How can proper leadership as well as regulation make it easier for imaginative transport professionals to use their minds and hands to offer the best answers , not the lowest common denominator?

8.3 How do we best order our priorities make decisions and invest?

8.4 It may well be true that it is virtually impossible to make some railway stations fully accessible. Meantime, how successfully do we resist attempts in the name of efficient property development to make stations like Bath Spa less accessible than it is at present?

8.5 Do we really have to do every single bit of local levelling up before anyone is prepared to make the most of the high profile encouraging and empowering effect of making unique things like Channel Tunnel and stations at sports stadia like Wembley, Twickenham or even Wimbledon better for users of wheelchairs in groups ?.

8.6 Not everyone has the flexible independent alternative of their own car or the companionship of a minibus. An electric wheelchair on a train or in an airport can give someone both.

#### Problems of variability at airports

9.1 The annual pilgrimage of the Society of Our lady of Lourdes to the shrine in the southwest of France cannot still use rail to get there. They have to go by air instead. Many people each year who are very sick cannot travel at all. Limited transport choices exclude. People with some conditions who could cope with train travel are unable to travel by air. Some prefer not to fly. At Lourdes, aircraft from all over the world bring sick pilgrims. Some aircraft are, with some skill, easy to get in and out of, some are frightening. Trains designed to give reasonable access to wheelchair users are very much easier.

9.2 Pilgrimages are still excluded from using Eurostar. Boat Trains no longer stop directly alongside ferries at the channel ports where short transfers used to be made into air-conditioned NATO ambulance trains for the overnight journey to Lourdes.

9.3 Experience of the alternative air journeys are mixed since the pilgrimage “chose” to abandon the train.

- (i) Exeter Airport is excellent. The very highest standards of courtesy and expertise run throughout management and staff. Travelling from Exeter in a wheelchair sets standards for all others to learn from.
- (ii) Luton Airport is good with very helpful teams to help both on the ground and in management.
- (iii) Stansted and Gatwick are awful beyond belief for pilgrimage groups. It is almost as if they believe that if pilgrimage groups are treated disgracefully enough they will just go away.

How did they dare?

9.4 It is behaviour like that at Gatwick and Stansted which can illustrate the social and economic impacts of the concept of “artificially suppressed demand for services” either because the prices are fixed to discourage demand or management is hostile. Ultimately the struggle and attrition leads to “unexpressed demand for services”. People give up unless they are suffragette in outlook.

9.5 How can the Department of Transport best give coherent leadership in the face of similar such examples of Structural, Cultural Institutional Prejudice which in some parts of the industry and agencies manages to discriminate within the Law ?

#### CONCLUSION

10.1 Imaginative leadership is the key. Wherever progress is found, everyone in the team is responding and playing their part whatever their role. Where there is lack of progress, is it because management is dull, frightened, over or under regulated, too comfortable with the third rate or merely impoverished and disabled by poor inclusion and communication?

10.2 Interfleet Technology have provided some of the best examples of a “we can do” outlook. This was evident in clear-sighted and imaginative design ideas and in their commitment to a search for further and better solutions that was second to none. They set a great example to all.

10.3 Regulations made in the 1990’s cannot hope to be perfectly relevant for the next 30 years. The danger of regulations becoming fossilised is acute. If that is not recognised there is some risk that the very existence of regulations could act to discourage the articulation of new ideas and the search for improved pattern and practice of service in the air , at sea and on land. If we get it right, a lot more much needed real progress is possible and necessary.

*Mark Blathwayt MRICS*

*November 2004*

### **Memorandum by the National Federation of the Blind (DAF 10)**

#### INDEPENDENT ACCESS TO TRANSPORT SERVICES FOR DISABLED PEOPLE

##### 1. INTRODUCTION

1.1 *The National Federation of the Blind UK (NFBUK)* is the largest campaigning organisation of blind, partially sighted and blind people with additional disabilities in the United Kingdom. It is recognised by The European Union as the Independent Democratic Voice of Blind People in the United Kingdom.

1.2 *Independence and Access Matters (IAM)* is a Kent-wide charity dealing in access issues, its membership includes the local Independent Access Groups; Dial; local disability campaigning groups and the CVS in Kent.

1.3 *The Kent Reference Panel (KRP)* is a small sub-committee of LAM, comprising of disabled people with international and national expertise, who act as a policymaking body to assist Kent County Council and other bodies on disability access issues and service provision. It was formed after considerable pressure by local disabled people.

1.4 It is estimated that there are some 11 million disabled people in the United Kingdom. To this figure, should be added their dependents and families, the elderly and very young. All these groups are affected in one way or another by lack of accessible transport and the growing number of barriers being created to exclude disabled people from accessing independently services, facilities and transport.

1.5 There have been significant improvements in some areas, but there is a lack of will to address the major issues and this needs to be confronted and overcome. In my submission, I endeavour to pinpoint these problems and suggest ways that they can be addressed. I am willing to give oral evidence if required.

##### 2. BRIEF OUTLINE OF MY SUBMISSION

2.1 Without independent access to facilities, services and above all, transport, disabled people are effectively excluded from society, which is a direct violation of their Human Rights and those of their immediate families and dependents. Currently disabled peoples needs are not seen as a vote-winner for this government, hence it is very difficult to affect change.

2.2 The problem is the legislation, which does not compel compliance by service providers. There is also a failure to update regulations. Yet, when it comes to dealing with disabled people, the government and their agencies employ double-standards, by compelling compliance, as in the case of the DWP’s payment of benefits: the Chip & Pin project, where the system approved by government will effectively exclude a major proportion of the population from financial services and being able to shop.

2.3 My comments, whilst they will deal with issues, reflect the very real and serious concerns now being expressed by our members in the South East, as a direct result of the lack of action. Anger and frustration is growing and attitudinal barriers, as well as the many physical barriers, are creating a culture of humiliation for disabled people. I will on their behalf, illustrate some of the areas of conflict in detail and offer solutions.

2.4 The principal theme should be “Independent Living and Access for all disabled and chronically sick people, within the legal time frame of the target on Independent Living set by government, of 2011, regardless of cost!

### 3. LEGISLATION; REGULATIONS; GOVERNMENT TARGETS: LTP’S AND RED TAPE

3.1 The principal legislation affecting disabled people, independent living and access are:

The Chronically Sick and Disabled Persons Act (CSDPA)

The Disability Discrimination Act 1995 (DDA)

The Direct Payments Act 1996 (DPA)

The Human Rights Act 1998

to this should be added

The DDA Rail Vehicle Regulations

The DDA Bus & Coach Regulations

The DDA Taxi Regulations

The Equality Standards in Local Government

Local Transport Plans (LTP’s)

together with effective “advice” documents

DfT’s Inclusive Mobility

DETRA’s Guidance of tactile paving surfaces

DfT’s Advice on Walking & Cycling

3.2 This mess of pottage all have impacts on independent access for disabled people and needs to be looked at in some detail by the Committee. In it you will soon find the seeds of the problem which bedevils independent disability access.

3.3 The DDA is secondary legislation, easily overturned by primary legislation and strategic necessity. The term “reasonable” has been a real stumbling block to progress, as have the time limits on compliance. As a direct result many service providers did nothing, in local government many, including KCC, did not attempt to change, policies, practices, procedures or service provision until late in 2002. By which time many strategic decisions affecting LTP’s had been taken. The problem was further compounded by the fact that many of the service providers are themselves charities “for” disabled people. They do their level best “not to offend their paymaster—central or local government, rather than put the needs of their clients first”. Lack of direct intervention by central government is also a cause. Thus the “ostridge culture” prevails. Committees were formed and sat, in government departments and in local government, all unsure of what to do, or where to find the huge sums of money required to meet total compliance.

3.3.1 Another major mistake, was to expect the courts to resolve all the access issues. The DDA requires those least able, to bring, at their expense court actions. It should in reality be for government to lead and enforce, not the courts. In a recent letter to Maria Eagle MP Minister for the Disabled, it comes down to money in the end. The DfT and the government view “meeting disabled peoples needs” by expecting the courts to decide each separate issue on its merits.

3.3.2 The Disability Rights Commission (DRC) are restricted in the way in which they can bring forward cases. Tinkering around the edges and “quick-win” fixes, are not the way forward, what we need is a clear enforceable Act which sets out compliance targets, fully funded, year on year until the goals are achieved.

3.4 In 1996, the government decided to improve disabled and chronically sick peoples lives by adopting the 30 year old, UN/World Health Organisation Social Model of Disability, which requires the removal of all attitudinal and physical barriers to disabled and chronically sick people independently accessing services, facilities etc. Until then much of the thinking revolved around what was known as the “Medical Model”, which implied that it was the disability or medical condition which prevented a person from independent living and access. Effectively the Social Model empowers disabled people to make decisions for themselves; to remove once and for all the client compliant culture of the crippled invalid.

3.5 The HRA brought about the requirement for “inclusion” and “inclusive services, policies and practices”. No policy shall exclude or marginalise any person and that includes all groups of disabled people. The HRA is primary legislation and can overcome previously drafted legislation in many areas.

3.5.1 Within Article 8 there is a section dealing with Independent Living and Independent Access. Article 9 deals with the right to freedom of association, effectively allowing disabled people to be able to meet family and friends anywhere. To put barriers in the path of these rights effectively restricts the human rights of disabled people, their families and dependents.

3.5.2 In 2000 the DRC commissioned Rowena Daw to undertake a comprehensive look at both the DDA and HRA. In her report *The Impacts of the HRA on disabled people*, she established a linkage between the two Acts, which has been used successfully in tribunals and county court cases. Yet government refuses to accept the linkage,

3.5.3 A cynic may be forgiven for noting that the cart (the DDA) came before the horse (the HRA).

3.6 The CSDPA was one of the early attempt to assist disabled people, primarily with Blue Badge Parking. But rather than keep the privilege just to chronically sick and disabled people, many elderly people and others have gained access to the badge, undermining its value and making it more difficult for genuine disabled people to park. This was due to slack administration by the gatekeepers (GP's and local authorities). Disabled people made a practical suggestion to reduce the number of badges, by linking it with the grant of Disability Living Allowance and Attendance Allowance; making the gatekeeper, the Benefits Agency of the DWP. The general public would welcome such a restriction, as it would, in their eyes remove the ability of people to obtain the badge by deception. It would also enable DfT to overcome their objection to exempting disabled people from road tolls and congestion charges. Currently, only those on Higher Rate Mobility of DLA are totally exempted. This is indicated by a free tax disc.

3.7 The DDA Regulations generally bring about major improvements, However, they need to be easily and regularly updated. For example: Rail Vehicles Regulations take no account of changes in design and improvement to wheelchairs and small scooters. Motorised chairs and small manoeuvrable scooters enable independent access, however, these are currently banned by the existing Regulations, in preference to a manual chair which of course requires physical assistance by one or more people.

3.7.1 The DDA Bus & Coach Regulations do not really apply, until 2017. In the meantime private operators can move non accessible buses around their national fleets. After London introduced accessible vehicles, Arriva moved its old stock into Kent, because existing service contracts did not require buses to have hydraulic kneelers and extendable ramps, When the Regulations were introduced the needs of people with visual impairments were ignored by DfT, buses do not have audible announcements or indicate where they are on a bus route, effectively excluding blind people.

3.7.2 Taxi Regulations seem to be bogged down, Often a taxi is the most appropriate vehicle for a disabled person, however, it must be accessible. In Kent and its rural areas, very few are accessible, further restricting movement for disabled people in wheelchairs.

3.8 The Equality Standards in Local Government are a series of government targets imposed on all local authorities, The Minimum level requires amongst other things, a requirement to be "inclusive" in all policies, practices and service delivery. It also requires acceptance of "The Social Model of Disability", which requires the removal of all attitudinal and physical barriers to independent access to services, facilities etc chronically sick and disabled people. Without additional specific funding from central government, the cost of compliance would be beyond any local authority.

3.9 LTP' s are the principal funding mechanism for financing access and transport improvements. On Monday 15 November 2004, I attended the day briefing for all Kent-wide organisations involved in the 2006–11 LTP for Kent. I was amazed, although I confess not surprised to learn that government had not given any specific guidance on meeting disabled peoples transport and access needs . . . I wonder why?

3.10 Many of the documents produced to provide assistance, guidance and advice, are just that. They are "advisory", not "mandatory". Again, this is a root cause of lack of action and provision.

3.11 Likewise, consultation is useless, unless the advice given by disabled people is acted upon and incorporated fully in projects. We have to change the culture, many service providers assume that by listening that is all they need to do. Many officials, local and national politicians, object to being told what to do by often "very experienced and qualified disabled people", they see disabled people as crippled both physically and mentally" and "incapable of original thought". Many people with significant impairments, can and do contribute to society. Improvements for disabled people make major contributions to all of society.

#### 4. THE RAILWAYS

4.1 The privatisation of the rail network has led to a fragmentation of decision making. Mr Justin Ryan the Mobility Manager for SET told me that to get a major alteration to a station approved, it would be necessary for it to be passed by seven separate committees, including SET: SRA; Network Rail: HSE: ATOC; The Regional Goods Operator and of course DfT, any or all could block such a project. Innovations of design would not meet HSE Rail Inspectorate specifications. If this is correct, there has got to be a better way. There should be just one body responsible for all aspects of railway safety, track, rolling stock, improvements to stations etc.

4.2 The rail staff are often very helpful and do their level best to insure disabled people are able to make their journey. However, they are often frustrated by regulation and the system operated within the railway business.

4.3 What is the point of accessible rail vehicles, if disabled people cannot gain access to all the stations on the rail network? Tony McNulty MP the PUSC at DfT threw down the gauntlet to disabled people over access in a letter to Archie Norman MP. His view mirrored the later judgement reached in the Keith Rhodes Case on access to the railway stations. The other attachments in this document deal with the access issues to SET stations at Tunbridge Wells and High Brooms, which preceded the Rhodes Case and set down the use of a taxi from an inaccessible station to an accessible one. It was also Mr Len Staples (IAM) who was responsible for forcing Network Rail to issue a map of accessible stations on the national network in an effort to be seen as “reasonable”. Sadly, what has not been reported, are the conditions relating to the use of the taxi service which will make the service more or less unworkable. Also, if the accessible station is not served by main line or express trains, which the inaccessible station does, will they make exceptions for disabled passengers and stop the express? The answer is emphatically “No!” The map is not accessible to people with a visual impairment. However it does indicate the extent of the work to bring about compliance.

4.4 I am blind with other significant mobility problems. I often travel on trains and try to do so on my own. The main barrier is gaining access to the stations, especially late at night, when they are often not manned or staff have “disappeared”. Automatic ticket barriers, unless left open when not manned are a major obstruction. Another problem is gaining information when on platforms and interchanges, without staff assistance, it can be very difficult. The use of the disabled bays on new trains as storage areas must be stopped and should be an offence with a £100 fine enforceable on the spot. Cyclists are the main problem on South East trains and are often resentful and a cause of conflict for staff, when trying to gain access to the bay for a disabled person.

4.5 Pendolino Trains introduced by Virgin Trains have major design flaws. I recently travelled from Glasgow to London. The disabled bay was of very large suitcases. The Conductor was unwilling to move them as they had no storage for such large flight cases. The design of the new trains does not take account of large items of luggage, which are likely to be used on long distance journeys. I was forced into an inside seat, where the modular design of the interior put pressure on my shoulder. I suffer from osteoporosis and had to be moved. With a bilateral knee replacement I need to be able to move my legs regularly but was unable to do this in the confined space. The final straw for me, as a blind person, was the lack of audible announcements, due to a faulty system. Under the DDA Regulations, the train should have been taken out of service at the end of its journey. The duty Virgin Train Manager told me that this was impossible as there were no replacement rolling stock. Most rail operators flout the Regulations and RMT Staff have told me in confidence that safety consideration for disabled people are non-existent.

4.5.1 GNER are the only company who really make an effort for their disabled customers.

4.6 If it is going to take years to address all these issues of access, then disabled people and their carers/ personal assistants should be permitted to travel “free of charge”, as they do in Scotland. If you need to travel and require assistance, a disabled person has to meet fully the cost of the assistant or assistants as well increasing the overall cost of their journeys.

## 5. BUS TRAVEL

5.1 Bus travel in Kent is not accessible. Without massive additional subsidy the operators have indicated that they are, for commercial reasons unwilling to provide a kneeler bus, with an extendable ramp and audible announcements both for passengers and those boarding the bus.

5.2 The cost of raising footways to complement these buses will run into billions of pounds in England and Wales, it is far cheaper to make the bus totally accessible, as they have done in London. Examples of good design practice are to be found in York and Bristol, but this was been achieved at considerable cost. In both cases, buses and bus stops did not have audible announcements for blind people. Without the cooperation of staff a journey could be interesting, eventful and not without hazard.

5.3 In Kent the only way to connect the 10 major towns cross-country is by using a bus. The future 2006–11 LTP recognises this as a fact, but admits that little will improve in the short-term without massive additional subsidy.

5.4 A major frustration for all passengers of both buses and trains is the inability of operators to provide an integrated service or an interchangeable bus pass. I cannot understand why London and Solent Transport can do this, yet other companies refuse to consider such an innovation and choose to hide behind EU Competition Rules, for their own commercial gain. Transport is a strategic service and should be above such petty constraints, some form of legislation may be necessary to compel compliance.

## 6. CONCLUSION

6.1 Without a major shake-up by central government, with a commitment backed up by adequate year-on-year funding and enforcement by legislation from the centre, nothing will change. Many of the changes are simple and achievable, it only requires the will.

*Michael Coggles*

Vice Chairman The Kent Reference Panel

West Kent Area Representative Independence & Access Matters

National Federation of the Blind—Kent Branch  
A former Vice Chairman JCMBPS  
Executive Council Member RNIB & NFB specialising in access and rights issues  
*November 2004*

**Memorandum by the Joint Committee on Mobility of Blind and Partially Sighted People and  
RNIB (DAF 11)**

**DISABLED PEOPLE'S ACCESS TO TRANSPORT**

**INTRODUCTION**

1. The Joint Committee on Mobility of Blind and Partially Sighted People (JCMBPS) and RNIB welcome the opportunity to submit a memorandum to the House of Commons Select Committee on Transport's second investigation of "Disabled People's Access to Transport".

2. JCMBPS is an independent body consisting of representatives of the principle organisations of and for blind, deafblind and partially sighted people with a specific interest in mobility. The JCMBPS believes that blind, deafblind and partially sighted people should be able to move around safely and independently. This is currently not the case and barriers may be physical, operational or attitudinal.

3. RNIB is the leading charity working for blind and partially sighted people. Its task is to challenge blindness and the disabling effects of sight loss by providing information and practical services to help people get on with their own lives. RNIB challenges all that put barriers in the path of blind and partially sighted people.

4. Figures from the 1999 DSS Research report No 94 "Disability in Great Britain" indicate there are now an estimated 1.97 million people with a significant sight loss.

5. DPTAC, the government's advisory committee on access in transport and the built environment, commissioned a MORI survey into the attitudes of disabled people to public transport (2002). The research findings show that poor access to transport and the poor condition of the pedestrian environment are major causes of concern to disabled people, and that disabled people did not consider that those responsible for providing and operating public transport and the pedestrian environment sufficiently understand their requirements.

6. RNIB's research "Lost Vision—Older Visually Impaired People in the UK" found that 59% of respondents in the study never go out alone due to difficulties with moving about the pedestrian environment and in accessing public transport, and frequently consider themselves to be isolated and excluded as a consequence.

7. The RNIB has produced "Travellers' Tales" (2002). Research involved qualitative surveys of the experiences of visually impaired people and showed that the poor condition of the pedestrian environment and poor access to transport are major factors limiting the mobility and independence of visually impaired people.

8. As requested we will address the following questions:

- What progress is being made in ensuring that disabled people have proper access to transport?
- Are the provisions of the Disability Discrimination Act being interpreted in unexpected ways?
- Is accessibility coming second-best to other considerations, such as Health and Safety? Where should the balance lie?
- Is there any truth in the suggestions that services are being "levelled down" rather than "levelled up"?

**WHAT PROGRESS IS BEING MADE IN ENSURING THAT DISABLED PEOPLE HAVE PROPER ACCESS TO TRANSPORT?**

*Buses and coaches*

9. The Public Service Vehicle Accessibility Regulations 2000 set out the standards that new buses and scheduled coaches must meet, together with end dates by which existing vehicles must conform to the regulations. In addition Conduct of Drivers, Inspectors, Conductors and Passenger regulations set out duties for operators on for example, the treatment of assistance dogs and passengers using wheelchairs.

10. When new buses are described as "accessible", accessibility is defined by the provisions of the PSVAR. The regulations do not cover the provision of audible and visual information systems on vehicles and at bus stops. JCMBPS and RNIB have repeatedly called for this. Research involving pilot schemes has shown that this can be achieved. We call for regulations to be introduced without delay requiring such systems to be installed for all bus and coach routes, and setting a suitable end-date. These would greatly increase the accessibility of buses and coaches for people with visual, hearing and learning disabilities. They would also benefit people whose first language is not English, tourists and older travellers.

*Trains and light rail*

11. JCMBPS and RNIB call for the setting of an end date by which all passenger rail vehicles will have to comply with rail accessibility regulations, including trains brought into service pre January 1999. The Government originally expressed its preference for 2025 as the date by which all passenger rail vehicles must be accessible.

12. 2017 would be in line with the PSVAR for buses and would provide disabled people with freedom to move across the country, having the full choice of transport modes. Whilst recognising the additional costs that will be incurred by the rail operators as a consequence of this earlier compliance, the additional revenue generated as a result of the increased volume in passengers using the service will, to some degree, offset such costs. Although this was cited as a benefit that had been experienced by bus companies complying with similar legislation, it is not costed in the RIA accompanying the draft Bill. 2017 is the end date, which our organisations asked for in our response to the consultation. We are happy however to support the recommendation of the Joint Committee on the Draft Disability Bill that there be an end date with a limited exemption system which would itself end in 2025. In responding to the Joint Committee the Government indicated that they were still considering the issue. We would urge Committee to encourage the Government to accept this recommendation.

13. We welcome the fact that the Government has accepted the accessibility of rail vehicles needs to be improved as part of the refurbishment process. However, we remain concerned about the delay in taking slam door trains out of service. These trains have no central locking for the doors and as the following quote from RNIB's Travellers' Tales Report indicates they can be extremely dangerous:

14. "I was getting off the train and no one else was about. I opened the door on the usual side and stepped down . . . to find there was no platform. If I hadn't been cautious I would have ended up on the track."

15. If the slam door trains can't be withdrawn immediately it is essential that central locking is installed.

*The transport exemption*

16. At present section 19(5) of the DDA excludes the use of a means of transport from Part III of the Act. As a result disabled people have no right of access to transport. For example, a transport official could refuse them access on the grounds of their disability, even to a service that is otherwise accessible to them. We would like to see this exemption lifted at the earliest opportunity.

*Transport infrastructure and information*

17. This exemption does not extend to transport infrastructure, such as bus and coach stations, airports and ferry terminals, or to transport information. However, we are aware that many disabled people encounter difficulties in accessing such buildings and information. Some of these failures come from design of buildings and facilities that ignore current good practice. Many of these failures could be alleviated through effective training and management. DPTAC has an education and training working group which aims to stimulate the integration of inclusive design in the initial training and continued professional development of architects, engineers, planners and so on who are responsible for the design, development and operation of transport systems and the built environment. The Government should take a lead in monitoring current and planned activity of professional accreditation bodies to ensure inclusive design principles are integrated in education and professional qualification requirements. The training of staff at all levels throughout the transport sector is also an important issue.

18. The provision of good quality, reliable information in accessible formats is crucial for blind and partially sighted people. This continues to be a source of concern, while there are examples of good practice the provision of accessible information is still largely an after thought or missed completely, even in consultation papers produced by central government. The Government should firstly set an example by ensuring that all departments take this issue seriously, and secondly by monitoring current practice of local authorities and transport authorities.

*Taxis*

19. The design of taxis is not yet covered by regulations. The introduction of draft taxi accessibility regulations is long delayed and we would urge that this be considered a matter of urgency with no further delay. Regulations on the carriage of assistance dogs in taxis and private hire vehicles have been welcomed. There has been some concern as to the operation of this in practice. The Government should initiate research to monitor the experience of visually impaired people and other disabled people with assistance dogs in booking and accessing taxis and phvs.

### *Aviation and shipping*

20. Voluntary codes and advice currently cover aviation and shipping. The Government has stated that it plans to make regulations to cover aviation or shipping only if the voluntary approach fails to produce results. We would seek the prompt introduction of regulations if it becomes clear that the voluntary approach has not worked.

### *Pedestrian Environments*

21. The consideration of pedestrian environments is often addressed as a much lower priority than buildings or transport systems. However, the pedestrian environment is a vital link in the transport chain. The improvements to the accessibility of public transport vehicles and infrastructure required under the Disability Discrimination Act 1995 will be of limited value if disabled people can not access services. In the Mori poll, commissioned by DPTAC (2002), disabled people gave problems in the pedestrian environment as their main concern, ahead of public transport.

22. The proposed public sector duty will, it is hoped, raise the prominence of pedestrian environments in addressing access issues.

23. Particular issues include road crossings and level crossings. The proposed BVPI on road crossings will be useful provided Local Authorities only count those crossings which can be safely used by disabled people including visually impaired people.

24. One of the most dangerous parts of the pedestrian environment for blind and partially sighted people is level crossings. The problems faced by blind and partially sighted people at level crossings fall into three broad areas:

- knowing when they have arrived at a level crossing;
- knowing when it is safe to cross; and
- once crossing, knowing that they remain safe and are following the correct line of travel.

25. Knowing when they have arrived at a level crossing is increasingly difficult for blind and partially sighted people because half barriers are now used. If a person is walking on the right hand side of the road there is nothing to physically stop them from walking onto the tracks. In addition, it is difficult to judge the safe time to cross. Audible signals are generally no longer used to signify that a train is approaching and there are no pedestrian crossing facilities.

26. Once crossing, people cannot tell if they are safe, and following the correct line of travel is not easy. A directional path—either tactile or visual—is necessary to guide people, and audible clues could also be used for this purpose. The following quote from RNIB's Travellers' Tales Report illustrates the difficulties.

27. "I don't know when I am approaching a level crossing, whether it is safe to cross, or while I am crossing whether it remains safe. Therefore, although I am a reasonably confident guide dog owner who usually travels on my own I need assistance to use level crossings."

28. Although there are many possible solutions to these problems, including full barriers, tactile paving and audible clues, more research needs to be done on how these can be linked to signalling. Implementing solutions will require a partnership approach between local authorities and Network Rail, because level crossings cover both highways and railway track.

29. Level crossings are likely to increase due to renewed interest in trams as a means of transport. The installation of tramlines must include safety features such as effective level crossings so that blind and partially sighted people are not put in danger.

30. We understand that the safety of each level crossings was recently assessed, but we are not sure how much these assessments took on board the needs of blind and partially sighted pedestrians. We would suggest that the Department of Transport produce statutory guidance about how to make level crossings safe and then require highway authorities and Network Rail to work in partnership to examine the safety of every individual level crossing including for those with physical and sensory impairments. JCMBPS raised this issue with the Minister, Tony McNulty when we met earlier this year and he agreed to facilitate setting up a meeting with key parties including rail and Local Government, to consider this issue but this has not yet happened. Bearing in mind recent events we would welcome encouragement from the Committee to take forward this issue which affects everyone's safety.

*Training for disabled people*

31. Mobility training is essential if people with sight problems are to travel as independently as possible. RNIB research (Baker, 1999) showed that more than half of those registered blind or partially sighted have never received any mobility training at all.

32. Mobility training is provided through local authorities, with more than a third using external agencies to deliver the service. Local authorities should ensure adequate funding is available to promote its usefulness and provide it on request without delay. The Government should encourage Local Authorities in this area and monitor current practice in order to identify gaps in provision.

*Blue Badge Scheme*

33. Registered blind people are entitled to a blue badge. JCMBPS and RNIB have called for the needs of registered partially sighted people to be considered. Following DPTAC's assessment of the blue badge scheme it was recommended that research consider this and we would urge that this research is undertaken as soon as possible. This is particularly important as entitlement to a blue badge is often a prerequisite for other concessions such as road pricing.

*Road pricing*

34. The government, in its *Feasibility Study of Road Pricing in the UK*, has reserved its position on the exemption of disabled people from future road charging. Part of its case is that "by 2017 all buses must be accessible to disabled people, including wheelchair users, therefore the basis of an exemption would need to be reviewed." Even if public transport is fully accessible there will still be need for some disabled people, including blind, deafblind and partially sighted people to travel by car in order to reach the destination.

35. Section 172 of the Transport Act 2000 allows the appropriate national authority to make regulations covering exemptions for disabled people outside London. The GLA Act provides the Secretary of State to introduce minimum exemptions from congestion charging in London.

36. The production of such regulations would also be consistent with paragraph 2.27 of *Breaking the Logjam—The Government's Response to the Consultation* which said that, "The Department will be working with experts and representative groups to develop proposals for an exemption scheme in England for disabled motorists from charging and levy schemes." Our organisations are concerned that despite this promise and calls from the Disability Rights Commission and DPTAC we are still waiting for these regulations.

37. Our organisations would recommend that in addition to blue badge holders, those who are registered partially sighted by local authorities should be exempt from congestion charging due to the difficulties they have in using public transport.

**ARE THE PROVISIONS OF THE DISABILITY DISCRIMINATION ACT BEING INTERPRETED IN UNEXPECTED WAYS?**

38. The Government should monitor the way in which the provisions of the DDA are being addressed with a view to:

- Gather information on the experience of disabled people and how this has been affected by the implementation of the provisions of the DDA. For example "mystery shoppers" and user panels could be quickly and effectively established.
- Consider various interpretations of the DDA and what further advice is needed from the government.
- Provide examples of good practice in order to spread good practice.

39. Transport for London have undertaken monitoring and research into the accessibility of their transport operation, including the provision of information. Such research should be extended to areas outside London. The DRC and DPTAC should take the lead on this, JCMBPS and RNIB would be pleased to be involved.

**IS ACCESSIBILITY COMING SECOND-BEST TO OTHER CONSIDERATIONS, SUCH AS HEALTH AND SAFETY? WHERE SHOULD THE BALANCE LIE?**

40. We believe that both accessibility and health and safety are important issues, and should not be considered incompatible. Often this is a result of poor information, misinformation and lack of understanding of access issues. Good quality staff training would go a long way towards addressing this.

41. One particular issue is awareness of the training of assistance dogs, as we continue to hear of cases where assistance dogs are not welcome. Central and local government should take the lead in raising awareness.

IS THERE ANY TRUTH IN THE SUGGESTIONS THAT SERVICES ARE BEING “LEVELLED DOWN” RATHER THAN “LEVELLED UP”?

*Hail and ride bus services*

42. The reference in the press notice to abandonment of hail and ride bus services must be addressed. The JCMBPS and RNIB view is that while hail and ride bus services can be of benefit to some disabled people, the use of regular bus stops must be incorporated in hail and ride services otherwise visually impaired people will not be able to use buses. This does not necessarily mean abandoning the use of hail and ride but ensuring use of regular bus stops is incorporated. Similarly request only stops are very difficult/impossible for visually impaired people who cannot see the bus coming in order to signal a request to stop. Greater awareness and understanding of the needs of a range of disabled people would we believe help to avoid knee jerk reactions. This is directly linked to the need for those involved in the design, development and operation of transport systems and the built environment to have adequate training in inclusive design noted above.

*Concessionary fares*

43. Another area where levelling up is required rather than levelling down is that of concessionary fares.

44. Our organisations note that DPTAC have been asked to undertake a review of concessionary fares,—our organisations recommend that the review should aim to do the following:

- Continue concessions of more than 50% where they are currently provided.
- Encouragement of good practice in relation to transport provision for blind, deafblind and partially sighted people.
- Consistency throughout the UK should be pursued through levelling up rather than levelling down. We welcome the commitment to free travel for registered blind and partially sighted people in Wales, Scotland and London and consider that this should be the case throughout the UK.
- Free travel should be available for a companion where this is necessary for a blind, deafblind or partially sighted person to travel.
- Concessionary fares should be easily obtained across modal and local authority boundaries.

CONCLUSION

Thank you for the opportunity to submit these views.

*Carol Thomas*

Principal Policy and Research Officer,  
JMU Access Partnership, RNIB JCMBPS Secretariat

*November 2004*

**Memorandum by Derby Access Group (DAF 12)**

DISABLED PEOPLE’S ACCESS TO TRANSPORT

In response to your Press Notice, we would like to submit the following summary of issues with Derby Railway station, Midland Mainline and Network Rail.

We feel that both Midland Mainline and Network Rail are not taking the DDA seriously and are trying to hide behind the lack of funding. We hope that the committee can help to ensure that disabled people do have proper access to transport.

NEW FOOTBRIDGE AT DERBY RAILWAY STATION—BUT WHERE ARE THE LIFTS?

At Derby railway station, a major interchange for the rail network, disabled people have always been expected to use a subway to enable them to get from platform to platform. This subway was built by the Royal Mail for their electric vehicles (although the subway is no longer used for this purpose since mail is no longer transported by rail). The ramps of this subway are too steep for safe use by pedestrians and Midland Mainline freely admit that they are not DDA compliant, and that there is no way that they can be made compliant. As Midland Mainline provide Bradshaw Buggies for ambulant disabled people access to this subway is restricted—users must be accompanied by a member of staff.

This winter Network Rail are funding and installing a new footbridge at the station as the old one is in need of replacement. However, the new footbridge will not include lifts to the platforms. (There are already two lifts, one into the concourse and another into the car park and industrial estate at the back of the station). Network rail claim that this is not a new structure, it is merely a part replacement, and that as such there is no need for it to be made DDA compliant.

Before work on the existing footbridge could begin the subway had to be brought up to a basic standard, new lighting was installed, pumping equipment to prevent flooding was installed and it was painted. Whilst the subway is open for public use, and is the only means of access to the platforms, the Bradshaw Buggy service has been discontinued for health and safety reasons. A number of attendant controlled electric wheelchairs have been made available, and there are supposedly staff available who are trained to use these. In icy weather we have serious doubts about the safety of the ramps to the subway for ANY person, regardless of whether or not they are disabled. The surface of the ramps is often hazardous even in damp weather, in icy weather they are extremely slippery and this coupled with the steep slope makes them a potential hazard to all users!

Network Rail and Midland Mainline, the franchisee, claim funding is a problem. We are not sure whether the Strategic Rail Authority have formally been approached. Several costs have been referred to ranging from £250k to £858k. There seems to be some disagreement about who should fund the cost of installing lifts, with Network Rail claiming that Midland Mainline should meet the cost, whilst Midland Mainline maintain that Network Rail (as the owner of the station) should meet the cost.

When the new footbridge is opened in March disabled people will still have to use the subway accompanied by at least one member of staff. Where a heavy person needs to use the underpass in their own wheelchair, we are given to understand that two members of staff will be needed to comply with health and safety. We are given to understand that at this time the Bradshaw Buggy service will be re-instated.

*Marta Hancock*  
Secretary

*November 2004*

### **Memorandum by Access Group Tunbridge Wells Borough Area (DAF 13)**

#### **DISABLED PEOPLES ACCESS TO TRANSPORT**

I write on behalf of the Tunbridge Wells Access Group in response to your invitation to submit views on disabled access to transport. Our comments under each of the questions raised in your Press Notice are each set out below.

#### *Q1. What progress is being made in providing disabled people with proper access to transport?*

Regrettably, there has been little improvement in the provision of accessible services in the Tunbridge Wells area, despite the existence of the DDA. Facilities at all three of our local stations remain poor. At Tunbridge Wells Central and High Brooms stations, the down platforms cannot be reached by wheel chair users and others with walking difficulties. Slam door trains are still widely used. There are virtually no low floor bus services in the area. Few bus stops offer visual information and none provide audio information. Although the number of licensed accessible taxis has increased, the majority still cannot carry wheelchairs, and there is no affordable Dial a Ride Scheme. With regard to pedestrian travel, many parts of the highways network remain closed to wheelchair users and blind and partially sighted residents because of the absence of dropped kerbs, unnecessary clutter on pavements and a paucity of safe road crossings.

#### *Q2. Are the provisions of the DDA being interpreted in unexpected ways?*

Yes. Despite the fact that the rail authorities have known full well for years what needs to be done to make stations accessible for all, the provisions of Part 3 of the DDA have been largely ignored at many medium and small sized stations. Worse still there are no plans to rectify matters, and moreover the Department of Transport seems intent on using the Courts to determine what must be done thus delaying still further much needed improvements. Even the proposals to provide alternative arrangements for passengers who cannot use their local station are very unsatisfactory. Similarly bus operators have been less than sympathetic in their approach. Although they are not required to replace their fleets until 2017, staff do not appear to have been instructed to assist disabled customers wherever possible, eg by loading a wheelchair onto the bus for the wheelchair user who is able to walk a few steps. Our group has not seen any evidence of bus companies willingness to discuss alternative arrangements for those who find it impossible to use services. It is also a fact that in this area, the highway authority (KCC) has no plans or target date for making its network accessible throughout.

#### *Q3. Is Accessibility coming second best to other considerations?*

Again yes. It is appreciated and accepted that health and safety must continue to be high priority for all public services. This is no less important for disabled travellers as to others. However, funding of safety measures must be based on a balanced risk assessment. For example, the suggestion that all unmanned railway crossings should be replaced by bridges or tunnels could not in our view be justified when money is needed to improve access to platforms and other measures designed to facilitate disabled travel. Tunbridge

Wells Access believes that the provision of accessible services should have been given a much higher priority in the past, and that the deficiencies still present within the system should now be addressed through programs aimed at completion within an acceptable time period. The work would need to be prioritised, to provide the most basic requirement in the first instance.

Q4. *Is there any truth in the argument that services are being levelled down rather than up?*

Given that services for disabled travellers have always been and remain poor in Tunbridge Wells and the surrounding area, it is difficult to imagine how things could get much worse.

The Group's concerns and frustrations over the continuing failure of rail authorities to provide accessible facilities are summed up in a recent letter dated 8 October 2004 to Archie Norman MP. To sum up Tunbridge Wells Access views in respect of all forms of public transport, including pedestrian provision, it is bad enough that so little progress has been made, but it is even more disheartening that none of the service providers involved have produced any plans to resolve the problem.

*DS Haskett*  
Vice Chairman  
*November 2004*

### **Memorandum by the Department for Transport (DAF 14)**

#### **DISABLED PEOPLE'S ACCESS TO TRANSPORT**

##### **GOVERNMENT POLICY**

The Government's policy was set out in the Department for Transport's earlier Memoranda to the Committee (reference DPAT01 and DPAT01A) prior to their hearing on 19 November 2003.<sup>4</sup> This Memorandum updates the Committee on developments in the field of transport for disabled people since its first hearing and should therefore be read in conjunction with the previous evidence.

##### **PROGRESS IN ENSURING DISABLED PEOPLE HAVE ACCESS TO PUBLIC TRANSPORT**

###### *Implementing the transport provisions of the DDA*

###### **Trains**

Regulations covering access to new passenger rail vehicles came into effect on 1 January 1999. There are now almost 1,900 new, accessible vehicles in service with another 700 expected in the next 18 months.

###### **Buses and Coaches**

Similar regulations for new buses and coaches with a carrying capacity of more than 22 passengers used on local and scheduled services came into effect on 31 December 2000. Eighty per cent of the fleet in major urban areas is already accessible rising to 90% in London. Across the country as a whole the proportion of accessible buses is about 30%.

New duties have also been introduced under the Conduct of Drivers, Inspectors, Conductors and Passengers Regulations for the drivers of regulated buses and coaches. Since 1 October 2002, they have had to provide reasonable assistance to disabled people to board and alight from the vehicle. In determining what is reasonable, the driver will need to consider the health and safety of disabled and other passengers as well as his own health and safety.

###### **Taxis and Private Hire**

Since we announced the policy direction for introducing taxi accessibility regulations, the Department has been looking at the features which will make taxis accessible to the widest possible range of disabled people. Following the publication of our research into this issue, a one-day seminar was held in July to discuss findings and seek the views of both industry and disabled people. We are currently considering comments and these will inform the drafting of a technical specification. Further consultation on the full package of measures will follow in due course.

In the meantime, section 37A of the DDA, which requires private hire vehicle operators and drivers to accept assistance dogs and to carry them free of charge came into effect on 31 March 2004. Similar provisions, under section 37 of the Act, came into effect in March 2001 for taxi drivers.

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<sup>4</sup> Sixth Report from the Transport Committee, Session 2003-04, Disabled People's Access to Transport, HC 439, Ev 19 and 34.

Following the Disability Rights Task Force's (DRTF) recommendation in its "From Exclusion to Inclusion" report, the Disabled Persons Transport Advisory Committee (DPTAC, the Government's statutory advisers on the transport needs of disabled people), in conjunction with the Disability Rights Commission, has also published good practice guidance on making private hire services more accessible to disabled people.

#### OTHER RECENT DEVELOPMENTS

##### Aviation

A contract has been let to monitor the level of compliance by the aviation industry with the DfT's Code of Practice on meeting the needs of disabled people published in March 2003. We expect this research to report during the latter half of 2005 and the findings will inform decisions on whether the voluntary commitment is working or whether we need to legislate in this area. Should there be a need to legislate the powers in the Bill would allow this.

The European Commission's proposals for a regulation to outlaw discrimination against disabled people in air travel is still awaited.

##### Shipping

The International Maritime Organisation has produced guidance on the design of ferries and DPTAC has produced its own supporting guidance for the UK. DPTAC has also commissioned research to establish how effective this guidance has been in improving access to shipping for disabled people. This will report during 2005 and, as with the work on aviation outlined above, will be used to inform future decisions on the need for legislation. Should there be a need to legislate the powers in the Bill would allow this.

DPTAC is working with the Maritime and Coastguard Agency to develop new guidance on meeting the needs of disabled people in relation to EC Class passenger ships and high speed craft used for public transport on domestic voyages. This new guidance will contribute to the UK Government's response to EC Directive 2003/24/EC which amended Directive 98/18/EC on safety rules and standards for passenger ships. DRTF recommendations

The DRTF recommendations which remain to be implemented all relate to amending the DDA, including those covering the transport exemption in Part 3 of the Act. The necessary measures to make these changes will be included in the forthcoming Disability Discrimination Bill.

On the "Blue Badge" Scheme, which was the subject of a comprehensive review completed in 2003, the Government is taking forward two legislative recommendations made by DPTAC following public consultation.

The key recommendation, to introduce a power for enforcement officials to inspect badges, was included in the Traffic Management Act 2004 (the remaining accepted recommendations requiring primary legislation will be included in the forthcoming Disability Discrimination Bill and are outlined in more detail below).

A mixture of secondary legislation, guidance and research is required to implement the other Blue Badge recommendations and we expect to be in a position to consult on draft regulations covering issues such as extending the scheme to children under two and people with temporary mobility impairments during 2005.

The Department is also initiating projects to look at the feasibility of establishing a database of Blue Badge Holders; to consider the case for the central London exemption from the Scheme; and to examine the case for extending the scheme to certain other groups of disabled people. We expect this to include a wide range of people including those with mental health problems, autism and those who are partially sighted. These projects are due to get underway during this financial year.

#### DISABILITY DISCRIMINATION BILL

The Bill is the final step in fulfilling the Government's 2001 Manifesto commitment to extend rights and opportunities for disabled people.

As well as measures to amend the DDA in areas such as the definition of disability, public sector duties, premises and private clubs, the Bill will also include provisions on transport enabling the Government to make regulations:

- lifting the transport exemption from Part 3 of the DDA to outlaw discrimination against disabled people by the provision of transport services<sup>5</sup>;

<sup>5</sup> DRTF recommendations.

- introducing an “end date” by which all rail vehicles will have to meet the Rail Vehicle Accessibility Regulations 1998 (RVAR)<sup>5</sup>; and
- amending the Blue Badge Parking Scheme for disabled people to remove references to “institutions” from the legislation and the badges and to ensure reciprocity for badges issued in other countries.

These provisions include the changes agreed by the Government as a result of the pre-legislative scrutiny process that followed the publication of the Bill in draft on 3 December 2003. The Government’s response to the Joint Parliamentary Scrutiny Committee was published on 15 July<sup>6</sup>.

#### Lifting the transport exemption from Part 3 of the DDA

Part 3 outlaws discrimination against disabled people in the provision of goods, services, facilities and premises. Transport infrastructure, such as stations and airports, is already subject to these provisions but there is a specific exemption for “any service so far as it consists of the use of any means of transport”. The measures which will be included in the Bill allow the Government to clarify the extent of the exemption—to the provision and use of transport vehicles—and allow it to be lifted, in whole or in part, for different transport vehicles at different times.

Consultation on policy proposals was completed in 2003 and the Department for Transport intends to consult on draft regulations during the passage of the Bill. Initial regulations will cover public transport—rail vehicles (including light rail, underground and trams), buses, coaches, taxis and private hire vehicles—vehicle hire, breakdown and leisure and tourism transport services. The Government believes that focussing on these areas will have the biggest impact on improving the day-to-day mobility of disabled people.

Subject to Parliament passing the Bill, it will be unlawful for transport service providers to:

- directly discriminate against disabled people—for example by refusing to allow someone to board a vehicle simply because they are disabled, even though the vehicle might be accessible to them. This can be a particular problem for people with learning disabilities or mental health problems and cannot be justified;
- treat disabled people less favourably, without justification—for example by charging them more for a service. There is some evidence that this happens now, for example where taxi drivers charge wheelchair users more for the service they provide to them; and
- fail to make a reasonable adjustment to the way they provide their services, without justification—for example it might be reasonable for a rail operator to provide an at-seat catering service where a disabled person is unable to get to/from the buffet car. This would benefit many disabled people, including wheelchair users, travelling on older rolling stock with narrower gangways who would otherwise be unable to obtain food or drinks.

The Government intends to introduce these changes as soon as practicable after Royal Assent. Subject to the timing of the passage of the Bill through Parliament, we expect the duties to come into force in December 2006.

The Disability Rights Commission will publish a Code of Practice (as they have done for other service providers) to help the transport industries understand and meet the new duties. Major stakeholders, including representatives from the affected sectors and disabled people, will be involved in the drafting of the Code which will be subject to a public consultation exercise in due course. We would expect the Code to be available around 12 months in advance of the duties coming in to force.

The powers to be included in the Bill will allow the Government to extend the provisions of Part 3 to other modes of transport, such as aviation and shipping, without the need for further primary legislation should the current voluntary codes of practice prove ineffective.

#### *Setting an “end date” and other changes to the Rail Vehicle Accessibility Regulations 1998 (RVAR)*

RVAR apply to all trains first coming into service after 31 December 1998 and specify a wide range of features to make rail vehicles (including underground, light rail and trams) accessible to disabled people.

The current legislation does not allow for an “end date” to be set for all vehicles to comply with the Regulations. Nor does it provide for them to apply to the refurbishment of rail vehicles. Measures to remedy this were not included in the draft Bill when it was published in December 2003 because initial consultation

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<sup>6</sup> The Government’s Response to the Report of the Joint Scrutiny Committee on the Draft Disability Discrimination Bill, Department for Work and Pensions, July 2004, Cm 6276, £8.00.

on proposals was not completed until January 2004. However, during pre-legislative scrutiny, the Government confirmed its commitment to include provisions in the Disability Discrimination Bill when it was formally introduced.

Setting an “end date” will enable disabled people to be clear about when all trains will be fully compliant. They would also benefit from the improvements that would be made possible through the requirement for vehicles to be refurbished to the standard set by RVAR before existing trains had to be replaced in order to meet the end date.

The measures also include changes to the RVAR regime enabling the Government to improve the way RVAR is enforced and streamline the procedures for exemptions. These measures will benefit both the rail industry and disabled passengers.

The Government intends to consult on draft regulations during the passage of the Bill through Parliament and will seek to introduce these new measures as soon as possible after Royal Assent. Revised guidance will also be issued for the rail industry to help them understand and implement the Bill’s provisions.

#### Blue Badge Parking Scheme

There are two measures on the Blue Badge Scheme which will be included in the Bill. These will:

- replace the word “institutional” used currently to describe an organisation that works with disabled people for the more acceptable term “organisation”; and
- make provision for reciprocal arrangements, so that disabled visitors within the EU and certain other countries can enjoy the parking concessions provided in England and Wales by displaying the disabled persons’ badge issued under their own national scheme. (Reciprocal provisions have already been enacted in Scotland). The provision would also allow for those using such badges to be subject to the same enforcement provisions as apply to holders of domestic badges.

#### INTERPRETATION OF THE DDA

The Department is not aware that the Act is being interpreted in unexpected or inappropriate ways in relation to transport.

#### HEALTH AND SAFETY ISSUES

It is clearly important that health and safety considerations should be applied not only to protect transport staff but also to ensure that disabled people and other passengers are afforded the necessary protection. Health and safety should not, however, be used as an excuse not to make appropriate provision for disabled people.

Under Part 5 of the DDA, the requirements are set out in detailed recommendations which have resulted from research and consultation. We believe the standards which have been set strike a reasonable balance between the needs of disabled people and the operational requirements, including consideration of health and safety, of the industry.

The Committee’s press notice indicates that there has been controversy over the use of barrow crossings at railway stations. The Health and Safety Executive is aware of this issue and believe that, when installed and properly used, they should not represent a danger to disabled people wishing to cross between platforms.

Subject to Parliamentary approval, lifting the transport exemption from Part 3 of the DDA will ensure that issues of health and safety have to be considered in determining what can reasonably be done to make services accessible to disabled people. The Government would expect the Disability Right’s Commission’s Code of Practice to reflect that point.

#### IMPACT ON SERVICE PROVISION

In the absence of specific cases it is difficult to offer comment. However, the Government is not aware of any reduction in services as a result of changes under the DDA. The Committee’s press notice referred to the withdrawal of a “hail and ride” bus service because it was not accessible to partially sighted people. There is certainly nothing in the transport provisions of the Act which would have that effect, nor are we aware of any such case.

Department for Transport

*November 2004*

## Memorandum by the Health and Safety Executive (DAF 15)

### DISABLED PEOPLE'S ACCESS TO TRANSPORT

#### SUMMARY

This memorandum sets out HSE's response to the request from the Transport Committee for information in relation to its inquiry on access to transport for disabled people. The main points it makes are:

- HSE enforces health and safety law. Generally, this law requires dutyholders to assess the risks arising out of their work activities and introduce appropriate controls. These will need to take account of the needs of disabled workers and members of the public insofar as they are affected by work activity.
- HSE takes seriously its responsibility for ensuring that it does not discriminate against disabled people in the development of health and safety law and the advice and guidance it gives to dutyholders on compliance with these requirements.
- We believe there are few cases where dutyholders will find it impossible to satisfy both health and safety and disability requirements. There will nevertheless be some cases where to comply with both sets of requirements would incur costs that would be considered excessive under DDA.
- Because risks to health and safety associated with new and existing level and barrow crossings have been assessed as high, HSE will only support new level and barrow crossings in exceptional cases and encourages the closure of existing crossings.
- HSE does not limit the number of disabled people travelling together—but it does require a risk assessment of rail operations. In some cases, operators may decide it is appropriate to introduce specific restrictions for operational reasons, eg the number of wheelchairs in a carriage.

#### INTRODUCTION

1. In its letter of 3 November to Timothy Walker, Director General of the Health and Safety Executive (HSE), the Transport Committee asked for information on HSE's position in relation to access to transport for disabled people—namely HSE's:

- view of its responsibilities under the Disability Discrimination Act (DDA) insofar as these relate to transport;
- current policy on disabled access to the transport system;
- policy on the provision and use of level and barrow crossings; and
- policy on groups of disabled people travelling together on public transport, particularly wheelchair users on trains which pass through the Channel Tunnel.

2. HSE's view of its responsibilities under DDA and our current policy on disabled access to the transport system are very inter-related, so paragraphs 3–10 provide our response to the Committee's first two points.

#### HSE'S RESPONSIBILITIES IN RELATION TO TRANSPORT AND ITS CURRENT POLICY ON THE DDA AND ACCESS TO THE TRANSPORT SYSTEM FOR DISABLED PEOPLE

3. HSE's main functions are to:

- (a) develop an effective legal framework to protect the health and safety of people at work and those affected by work activities; and
- (b) work to achieve increased levels of compliance with the requirements of this framework through a mixture of enforcement and advice and guidance.

It carries out these functions in the context of the Health and Safety Commission's *Strategy for Workplace Health and Safety in Great Britain to 2010 and beyond* which includes an aim to make a contribution to greater social justice and inclusion through its work to ensure that people's health and safety is protected through the sensible management of risks arising from work activities.

#### *Overall legal framework*

4. Overall, the legal framework for health and safety is set by the Health and Safety at Work etc Act 1974 (HSWA), and regulations made under it. It applies to all dutyholders—mainly employers, although there are duties placed on others such as employees and the self-employed—and to all sectors of industry including transport. It is also mainly goal-setting, requiring dutyholders to make an assessment of the risks to health and safety of people arising from their work activities and to ensure the appropriate protective and preventive measures are in place to manage sensibly those risks. In complying with these requirements, dutyholders need to take full account of the particular needs of others, such as disabled people. So, overall, we believe this framework is as sensitive to the need to protect disabled people from work-related risks to their health and safety, as it is to others.

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*Enforcement and provision of advice and guidance*

5. In enforcing this legal framework, we recognise that dutyholders who have duties under health and safety law will also have duties under DDA. In many cases, we believe that dutyholders will be able to take measures that meet the requirements of both DDA and health and safety law. So, for example, improving access for disabled people by removing physical barriers (as now required by DDA) in waiting rooms at airports, ferry terminals and bus, coach and rail stations will also comply with requirements in health and safety law such as Section 2(d) of HSWA which deals with safe access and egress at workplaces. To a significant extent, then, we do not believe dutyholders should justifiably see compliance with health and safety law as a barrier to compliance with DDA and we believe there will be few cases where dutyholders will find it impossible to satisfy both health and safety and disability requirements.

6. However, there will be occasions where a risk assessment will identify risks where the measures needed to protect people's health and safety will place a justifiable constraint on what dutyholders can do to ensure a disabled person is not treated less favourably. In some cases, reasonable adjustments to ensure equal treatment for disabled people might still be practicable. But, in others meeting both health and safety requirements and DDA might be very costly. The DDA recognises this by including provisions for health and safety or cost to justify failure to make reasonable adjustments or other actions apparently treating a disabled person less favourably. These provisions cannot be used unless the dutyholder reasonably believes that the treatment is necessary in order not to endanger the health and safety of any person or the cost of making adjustments is unreasonable. The judgement of what is reasonable for dutyholders is not an easy one and will need to be resolved on a case-by-case basis.

7. There are examples of health and safety law being given precedence over disability discrimination law. For example, a recent Employment Appeal Tribunal case (*Lane Group plc v Farmiloe*) found that the employer had not acted unlawfully in dismissing an employee who suffered from psoriasis and was unable to wear safety footwear, and therefore not able to comply with the Personal Protective Equipment Regulations 2002. Such rulings are outside of HSE's regulatory remit.

8. Nevertheless, within these constraints, we believe it important to work with other organisations to help dutyholders on matters related to the interface between disability discrimination and health and safety and, through this, to help improve the treatment of disabled people. On a broader level, we have liaised with the Disability Rights Commission in the health and safety aspects of the guidance they produce.

9. In relation specifically to rail issues, duties under the DDA are established by the Department for Transport's (DfT) Rail Vehicle Accessibility Regulations 1998. DfT's Mobility and Inclusion Unit is responsible for implementing the Disability Rights Task Force's recommendations. The Association of Train Operating Companies and Network Rail use the Strategic Rail Authority's Code of Practice "Train and Station services for Disabled Passengers" designed to ensure that passengers with disabilities are offered a common high level of service on Britain's rail network. HSE's Her Majesty's Railway Inspectorate (HMRI) considers the needs of disabled people, wherever practicable, when performing its role in the approval of new rolling stock and railway infrastructure to ensure compliance with health and safety law.

10. For non-rail modes of transport, there are also other regulators who have roles relating to operational safety, occupational health and safety, or both. These include the DfT, the Civil Aviation Authority (CAA), the Maritime and Coastguard Agency (MCA) and the Vehicle Operator Services Agency (VOSA). HSE liaises with these bodies both informally and, in some cases, through formal memorandums of understanding. For example, HSE's guidance for inspectors on access for disabled people to aircraft was produced in consultation with the Disabled Persons Transport Advisory Committee (DPTAC) and DfT.

**POLICY ON THE PROVISION AND USE OF LEVEL AND BARROW CROSSINGS**

11. HMRI will only support the provision of new crossings on behalf of the Secretary of State for Transport, in exceptional circumstances. HMRI's role is the consideration of protection required at crossings on a case-by-case basis. In most cases, the introduction of new crossings would introduce unnecessary additional health and safety risks to users of the rail network, and the crossings (and ease of access for people—whether disabled or not) can usually be provided in other ways that do not incur such risks.

12. In common with Network Rail and the Rail Safety and Standards Board (RSSB), the industry's own rail safety body, HSE also encourages the closure of existing crossings, where a risk assessment indicates high risk. (HSE's policy on level crossings is available on HSE's web site: <http://www.hse.gov.uk/railways/liveissues/lcpolicy.htm>)

This was the case at the crossing at Thetford, Norfolk, to which we believe the Transport Committee's press release announcing this inquiry refers. This station is on a two-track line with two platforms: eastbound towards Norwich and westbound towards Ely. In 1994, British Rail removed the original barrow crossing as part of a project to install ramps to both platforms to allow access for passengers with disabilities. The layout of the railway infrastructure meant that one of the ramps blocked the station's barrow crossing.

13. Both HMRI and Network Rail, the main line railway infrastructure controller, have been criticised in the specialist railway press for rejecting “out of hand” a proposal to install a new station foot crossing, controlled by the signaller, at Thetford station. A foot crossing was proposed by Central Trains (the then station operator), who do not operate the railway infrastructure which was intended as one solution to allow people with disabilities to gain access from one platform to another. However, no formal proposal has been submitted by the station operator to either HSE or to Network Rail (the mainline rail infrastructure controller). If a formal proposal were to be submitted, an important factor that would need to be taken into account would be that Thetford station is located on a curve in the track. With a current line speed of 90 miles per hour, the sighting time available to those wishing to use any proposed crossing would be very limited. Health and safety law could not be used to require Network Rail to install a station foot crossing at Thetford station if the cost would be grossly disproportionate to the risk posed. The Secretary of State for Transport has powers to impose alternative means of passengers crossing the railway line such as bridge or an underpass.

14. A recent Court of Appeal ruling, that overturned a previous ruling, established that the station operator should provide disabled passengers with an adapted taxi to shuttle them between station platforms where alternative means of accessing platforms are unreasonable. An alternative road-based route was available but was considered unsuitable for use by wheelchair users. So, while it was not possible to use health and safety law to impose a solution, because of the disproportionate cost, disability rights law was used to find a solution to the problem of platform accessibility.

#### POLICY ON GROUPS OF DISABLED PEOPLE TRAVELLING TOGETHER

15. There is no health and safety law banning groups of disabled people from travelling together. HSE expects dutyholders to have in place adequate measures to manage sensibly the health and safety risks to all those affected by work activities. HSE does not therefore place a limit on, for example, the number of wheelchair users on a given service. The limit placed on trains travelling through the Channel Tunnel is an operational decision taken by the train operating companies using the Channel Tunnel. But the Channel Tunnel Safety Authority views the procedures as reasonable, and the assessment of risk in case of evacuation in the tunnel as sound. It must be borne in mind that the width of the tunnel necessitates specific equipment to be used for such evacuations; ordinary wheelchairs cannot be used.

HSE

November 2004

### **Memorandum by the Disabled Persons Transport Advisory Committee (DAF 16)**

#### DISABLED PEOPLE'S ACCESS TO TRANSPORT

##### INTRODUCTION

1. The Disabled Persons Transport Advisory Committee (DPTAC) is pleased to submit a memorandum and give oral evidence to the House of Commons Select Committee on Transport's second investigation of “*Disabled People's Access to Transport*”.

2. Established under the Transport Act 1985 to advise the Government on the transport needs of disabled people, DPTAC has identified four overarching principles on which to base its advice. These are that:

- Accessibility for disabled people is a condition of any investment.
- Accessibility for disabled people must be a mainstream activity.
- Users should be involved in determining accessibility.
- Achieving accessibility for disabled people is the responsibility of the provider.

3. The absence of accessible transport means that disabled people are less able to secure and retain employment, obtain medical treatment, enjoy a full social life, or travel with whom they want, where they want and when they want. Compared to others, disabled travellers may plan further ahead, use more effort, find themselves more tired at the end of a journey, pay more to travel, and experience embarrassment and stigmatisation. This will have a crucial effect on their confidence and preparedness to travel in future.

4. We believe that the Committee decided to carry out this investigation because: the Disability Discrimination Bill is still awaited; the access provisions of the Disability Discrimination Act 1995 (DDA) came fully into force on 1 October 2004; and there have been reports that the need to make services accessible has led to unexpected consequences.

5. We address these issues below, and also consider progress nationally towards giving disabled people proper access to public transport.

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WHAT PROGRESS IS BEING MADE IN ENSURING THAT DISABLED PEOPLE HAVE PROPER ACCESS TO TRANSPORT?

6. While there has been welcome progress in some aspects, DPTAC believes that there is a need for a more comprehensive and joined up approach to this issue.

*Buses and coaches*

7. Part V of the DDA sets a framework for accessibility only for some land-based public transport modes. It gives the government powers to make technical regulations setting access requirements for buses, coaches, trains and taxis. Regulations for all but taxis are in place. The Public Service Vehicle Accessibility Regulations 2000 set out the standards that new buses and scheduled coaches must meet, together with end dates by which existing vehicles must meet regulations. In addition conduct regulations set out duties for operators on for example, the treatment of assistance dogs and passengers using wheelchairs.

8. Only 30% of the national bus fleet is currently accessible to people in wheelchairs. Progress has been fastest in cities, where there is a quicker turnover of vehicles, and a large proportion of such vehicles are in London. Rural areas seem to be less well served.

9. However, just as important as the accessibility of the vehicles is the accessibility of the supporting infrastructure, such as bus stops and pavements. This now appears to be lagging behind the accessibility of vehicles in both urban and rural areas. Greater encouragement needs to be given to local planning and highways authorities in this respect.

10. The regulations do not cover important features, such as the provision of audible and visual information systems on vehicles and at bus stops. DPTAC believes regulations requiring such systems to be installed for all bus and coach routes are long overdue. These would greatly increase the accessibility of buses and coaches for people with visual, hearing and learning disabilities. They would also benefit people whose first language is not English, tourists and older travellers.

*Trains and light rail*

11. It is important that an end date is set by which all vehicles must comply with the Rail Vehicle Accessibility Regulations 1998 (RVAR), which set standards for new vehicles. DPTAC expects the Government to bring forward a transparent and effective enforcement regime for these provisions.

12. DPTAC stands by its recommendation to the Scrutiny Committee on the Draft Disability Discrimination Bill of an end date of 2017, which would bring rail in line with the bus industry, along with the implementation of a “Menu Plus” approach to refurbishment regulations. This would involve the replacement of facilities with compliant equivalents to include items such as passenger information systems and wheelchair accessible toilets where they do not currently exist.

13. Where deadlines have been set for Mark 1 rolling stock (commonly known as “slam door trains”), which have very limited accessibility, to be taken out of service, there must be no further slippage.

14. The condition of our stations must not undermine the increasing accessibility of rail vehicles. DPTAC welcomes the clarification of roles and responsibilities arising from the Rail Review. We consider it important that the accessibility of stations remains a high priority during and after the transition to the new arrangements. Robust data from access audits must form the basis for the design and prioritisation of work on stations, including that supported by the Access for All Fund.

15. DPTAC also considers the booking requirement for disabled people to use the railways to be unfair, and welcomes the fact that some train operating companies have changed to an 0800 number for this service as a first step towards a more equitable system.

*The transport exemption*

16. At present section 19(5) of the DDA excludes the use of a means of transport from Part III of the Act. As a result disabled people have no right of access to transport. For example, a transport official could refuse them access on the grounds of their disability, even to a service that is otherwise accessible to them. DPTAC would like to see this exemption lifted at the earliest opportunity. Now that pre-legislative scrutiny is complete, we are very disappointed at how long it is taking the government to introduce the Disability Discrimination Bill.

*Transport infrastructure and information*

17. This exemption does not extend to transport infrastructure, such as bus and coach stations, airports and ferry terminals, or to transport information. However, DPTAC is aware that many disabled people encounter difficulties in accessing such buildings and information. Even such straightforward facilities as the provision of wheelchairs for disabled people at airports without charge, or copies of timetables in large print, have proved problematical. The needs of people with learning difficulties are particularly poorly

recognised. Some of these failures come from design of buildings and facilities that ignore the DPTAC principles set out at paragraph 2 above. Many of these failures could be alleviated through effective training and management.

#### *Taxis*

18. The design of taxis is not at present covered by regulations. There are regulations on such matters as the carriage of assistance dogs in taxis and private hire vehicles, which need to be effectively monitored. However, the government has carried out research to establish the ergonomic requirements of an accessible taxi. DPTAC is working with the government towards regulations and believes that regulations should now be developed and implemented.

#### *Aviation and shipping*

19. Voluntary codes and advice currently cover aviation and shipping. We are working with the government now to evaluate their effectiveness. We would not wish to anticipate the results of this research. There is also an international dimension, with current and planned European Union Directives providing advice and guidance on accessibility in various transport modes. The government has stated that it plans to make regulations to cover aviation or shipping only if the voluntary approach fails to produce results. DPTAC agrees that the voluntary approach needs to be given time to work. However, we will seek the prompt introduction of regulations as soon as it becomes clear that the voluntary approach has not worked.

#### *Transitional periods*

20. DPTAC recognises the logic of having start dates by which new vehicles in a particular transport mode should be accessible, followed by an end date by which all existing vehicles must comply or be taken out of service. This allows operators to obtain maximum use of their existing investment, and to schedule increasing accessibility of vehicles across a reasonable time period. However, one consequence can be that, through this period, disabled people cannot guarantee that they will be able to secure an accessible vehicle for all stages of their outward and return journey. The provision of complete and up to date travel information in a range of accessible formats, and the appropriate training for staff, are crucial to ensuring that disabled people can plan their journeys during these transitional periods.

#### *Blue Badge Scheme*

21. The Blue Badge Scheme provides an on-street parking concession enabling people such as those with severe walking difficulties, who travel either as drivers or passengers, to park close to their destinations. The scheme also applies to registered blind people and people with severe upper limb disabilities who cannot turn a steering wheel by hand.

22. In November 2001, at the invitation of Ministers (including Scottish Ministers), DPTAC co-ordinated the collation and assessment of responses to a Department for Transport consultation on the review of the Blue Badge Scheme. DPTAC remains concerned at the length of time that it is taking to implement its recommendations. Some require primary and others secondary legislation, while a number need research. DPTAC seeks a commitment that the government provides the priority for the legislation and the resources for the research.

#### *Concessionary fares*

23. Another area where DPTAC feels that more progress can be made is concessionary fares and other schemes that are designed to improve disabled people's access to mainstream travel. We are reviewing the eligibility for and availability of concessions, how schemes are administered, the need for an appeals system and the way in which local authorities advertise their schemes. We would be likely to see greater consistency in the way that schemes operate across the country and across local authority boundaries. We also note that there are major variations in the level of provision for disabled people in different parts of the UK with people in Wales and Scotland being generally better provided for than those in England. We also consider these schemes do not take full account of the range of barriers that disabled people, such as those with mental health problems, may experience with transport systems.

#### *Road pricing*

24. However, accessible public transport becomes, private cars will remain vital for some disabled people to travel. As far as congestion charges are concerned, we believe that the concession for disabled people in the London charge is working fairly effectively, and Transport for London is taking steps to improve it. However, customers with hearing disabilities can experience difficulty making payments. However, we are concerned that the government, in its Feasibility Study of Road Pricing in the UK, has reserved its position

on the exemption of disabled people from future road charging. Part of its case is that “by 2017 all buses must be accessible to disabled people, including wheelchair users, therefore the basis of an exemption would need to be reviewed.” However, we have shown in paragraph 7 above that the absence of audio-visual information systems makes buses inaccessible to many people with visual and hearing disabilities.

### *Training*

25. We have referred to the role of effective training at several points. Related to this is the need for more effective initial and continuing training for transport engineers, architects, designers and associated professions. A strong government lead is needed to monitor the current and future activity of professional accreditation bodies to ensure inclusive design principles are integrated in education and professional qualification requirements.

### ARE THE PROVISIONS OF THE DISABILITY DISCRIMINATION ACT BEING INTERPRETED IN UNEXPECTED WAYS?

26. The Disability Rights Commission has been assisting a number of individuals to take cases through the courts to establish case law and interpretation in respect of a number of transport issues. We would therefore look to them to lead in commenting in their evidence on unexpected interpretations of the DDA.

27. DPTAC’s concern centres on the speed and thoroughness of implementation, rather than any unexpected interpretations. It is not uncommon, at the same time that senior staff in transport organisations express their commitment to accessibility, for disabled travellers to find their needs are not being met.

28. Accessibility often fails to be fully achieved because service providers do not provide commitment or resources, understand or find out what is necessary, consult with disabled people or involve them in the design and development process.

29. Simple ways of changing this would be to set up effective systems to evaluate compliance with the law and with voluntary codes, and to directly involve disabled people in these. For example “mystery shoppers” and user panels could be quickly and effectively established.

### IS ACCESSIBILITY COMING SECOND BEST TO OTHER CONSIDERATIONS, SUCH AS HEALTH AND SAFETY? WHERE SHOULD THE BALANCE LIE?

30. DPTAC is aware that health and safety issues have been raised, for example in respect of the carriage of groups of deaf people on international flights. We feel that these fears have been overstated. In that case we feel that the risk of carrying groups of deaf passengers is no greater than of carrying a group of people who do not speak English or other languages spoken by cabin staff. Yet airlines do not voice the same reluctance to carry the latter.

31. Health and safety issues do need to be taken into account in deciding what facilities to offer passengers, including disabled passengers. For example, barrow crossings, with suitable enhancements, can be safe on some low speed rail lines, but unsafe on high speed ones. Grab handles outside trains can help many ambulant disabled passengers enter and leave vehicles, but can also facilitate train-surfing. The carriage of some electric scooters on public transport could be unsafe because of their size, stability and manoeuvrability. That is why we wish to see further guidance for scooter users, including kite marking at the point of sale.

32. Decisions on health and safety will always be made on the basis of what is a reasonable provision, given the risk. For example seat belts for train passengers could well save lives, but the government has not yet decided that this would be a reasonable step to take. Decisions on accessibility will also be made on the basis of what is reasonable to provide, particularly when the Part III exemption is lifted. Health and safety and accessibility do not need to be set against each other, and they should certainly not be presented as if only one can be affordable.

### IS THERE ANY TRUTH IN THE SUGGESTIONS THAT SERVICES ARE BEING “LEVELLED DOWN” RATHER THAN “LEVELLED UP”?

33. There is little data on the extent to which this is true. However, it has been studied in the area of concessionary fares, where the change is not a specific consequence of the DDA. In England relevant authorities must provide a minimum 50% concessionary fare to disabled bus passengers.

34. Fewer authorities now offer free travel or flat fares, and this is rare outside London and the Metropolitan areas. With regard to time restrictions, the story is mixed. Some authorities now impose time restrictions in the morning peak, while other authorities have removed their restrictions, particularly on afternoon peak travel. Overall there is a slight upward trend in restrictions, in 1998 39% of authorities imposed time restrictions but this has increased to 42%. Overall in England there are 43 areas where the validity of concessionary fares is greater in 2003 than in 1998, though 18 areas have a reduced area of validity.

35. London Buses has been reported as consulting on plans to phase out “hail and ride” bus routes, on the grounds that low floored buses would not be able to pull in close enough and parallel to the kerb for passengers to alight safely, and would therefore not comply with the Disability Discrimination Act when the Part III exemption from the DDA is lifted for buses. Our view is that hail and ride services are appropriate in areas where it is not practicable for a permanent stop to be positioned. This may be because a narrow pavement cannot accommodate a bus pole without restricting access unduly. However, the use of fixed bus stops must be incorporated such routes, for the benefit of people with sight disabilities.

#### CONCLUSION

36. DPTAC’s principal concern is to ensure accessibility for disabled people. By this we mean inclusive transport systems and built environments that are easy to reach, use and understand by all; in safety and comfort.

37. Despite considerable progress by government, local authorities and the transport industry, much remains to be done. The long awaited Disability Discrimination Bill will help to develop the momentum for change. However it will need to be buttressed by vision, resources, and creativity.

*Neil Betteridge*  
Chair

*November 2004*

#### **Memorandum by Ruth Youngs (DAF 17)**

##### DISABLED PEOPLE’S ACCESS TO TRANSPORT

I should like to make the following submissions, mostly, but not entirely in relation to trains and cycles.

I am mobility impaired and walk with the aid of a walking frame. I use the train fairly regularly and being able to take my trike on the train would give me access to places I wouldn’t have considered going to previously on my own. If I couldn’t use my trike at the destination it would mean a lot of planning with regard to buses or not being able to go there at all if there were no connecting buses.

I have a friend who uses an electric scooter which she is told she isn’t able to take on the train as there is insufficient space. This is her sole means of getting around so that even going to the County town is impossible for her; allowing trikes/tandems on trains would also assist her.

I have to use the Barrow crossing to get to the other platform. Whilst this generally works out okay, it still means that I have to get there early to get across the tracks. A ramped bridge would help greatly by giving freedom to the disabled person, and assisting those with prams or suitcases. It would also mean that station staff could do other things.

Whilst low floor buses do generally help, their usefulness is somewhat diminished when the bus doesn’t get near to the kerb. Although some buses are fitted with ramps, I have never seen these being used; I believe that some drivers have said it’s against the Health and Safety Regulations.

I hope this is of some assistance.

*19 November 2004*

#### **Memorandum by the Strategic Rail Authority (SRA) (DAF 18)**

##### DISABLED PEOPLE’S ACCESS TO TRANSPORT

#### A. THE SRA’S RESPONSIBILITIES

##### *Transport Act 2000*

Under the Transport Act 2000 the SRA must have regard to the interests of people who are disabled, balanced with the other duties placed on it under this Act. These other duties include taking into account the need to protect all persons from dangers arising from the operation of railways, taking into account, in particular, any advice given by the Health and Safety Executive (HSE).

The SRA must also prepare, revise, publish and otherwise promote the adoption and implementation of a Code of Practice for protecting the interests of disabled rail users, having consulted the Disabled Persons’ Transport Advisory Committee (DPTAC).

The SRA is responsible for the content of train and station operators’ licences as they relate to consumer protection; for the enforcement and modification of consumer protection provisions (as regards modification only if the Office of Rail Regulation agrees); and for the revocation of a licence where the licensee is in persistent contravention of these provisions. When exercising this responsibility the SRA is under the same duties as the Office of Rail Regulation. The consumer protection provisions include a licence condition relating to the “Provision of Services for Disabled People”.

### *Directions and Guidance*

The Secretary of State's Directions and Guidance (D & G) direct the SRA to build in accessibility as a condition for new SRA investment, in line with the commitment in the Government's 10 Year Plan for Transport. The D & G say that the SRA should work closely with DPTAC and be guided by its advice, and that the SRA should use its regulatory role for consumer protection to influence and direct the industry.

Directions and Guidance oblige the SRA to consider the social impact of its strategies and plans as part of its appraisal criteria. It must have due regard to long-term factors, of which rising expectations of accessibility and demographic change are examples. In doing this, the SRA must develop Strategies that are consistent with the available resources, and that enable operators to plan their businesses with a reasonable degree of assurance.

The SRA's forthcoming consultation on an Accessibility Strategy (see below) will help to fulfil these requirements. It will also support railway operators in responding to their own duties under Part III of the Disability Discrimination Act (DDA). It is also a licence condition that a train and station operator establishes and complies with a Disabled People's Protection Policy (DPPP) approved by the SRA; reviews its DPPP when requested by the SRA; and has due regard to the SRA's Code of Practice. The SRA can monitor and where necessary enforce any DPPP commitments by means of action under Section 55 of the Railways Act 1993 as amended.

### *Disability Discrimination Act*

The DDA already covers public bodies where they are providing a service to the general public. It outlaws discrimination against disabled people when they use services provided by the SRA and in the context of SRA employment.

### *Draft Disability Discrimination Bill*

The SRA is represented on the Disability Rights Commission's (DRC) reference group for the drafting of a new Code of Practice relating to the lifting of the transport exemption from Part III of the DDA. We welcome the inclusion by the DRC of representatives of disabled people and of the affected transport industries.

The draft Disability Discrimination Bill would also ensure that disabled people have rights to fair treatment in the vast majority of their interactions with the public sector. In addition it would also place a duty on the SRA to promote equality of opportunity for disabled people.

### *European developments*

Interoperability of the European rail system will require compliance with standards known as Technical Specifications for Interoperability (TSIs). A forthcoming TSI relates to Persons with Reduced Mobility. In addition, the European Commission has proposed a Regulation on International Passenger Rights and Obligations which would give a person with reduced mobility the right to assistance in certain circumstances.

## **B. EFFECT OF IMPLEMENTING THE REMAINING PROVISIONS OF PART III OF THE DDA**

The SRA has not detected any reduction in services to disabled rail passengers at stations as a result of implementation of the physical provisions of Part III of the DDA on 1 October 2004. On the contrary, the build up to 1 October has heightened awareness and has stimulated increased effort by the industry to improve the service offered to all passengers.

## **C. PROGRESS IN ENSURING THAT DISABLED PEOPLE HAVE ACCESS TO RAILWAY SERVICES**

### *Rolling stock*

All *new* trains are designed to be fully accessible for disabled passengers. They must meet the requirements of the Rail Vehicle Accessibility Regulations 1998 (RVAR) as amended. The overall Southern New Trains Programme comprises nearly £2 billion investment in over 2,000 carriages that comply with the RVAR and up to £650 million investment to upgrade power supply, provide new and improved depots, and extend platforms.

The SRA believes that *existing* rolling stock needs to move towards compliance with RVAR standards, in advance of new RVAR to be made under the provisions to be included in the Disability Discrimination Bill. This is reflected in requirements in the SRA's Code of Practice. When existing vehicles on franchised services are refurbished, we check the proposed work for compliance with RVAR standards. Franchisees must seek a dispensation from the SRA's Code of Practice for any non-compliance with RVAR standards.

Recent refurbishment schemes for rolling stock run by GNER (Mark IV stock) and SWT (Class 455s) have improved the accessibility of that rolling stock. Examples of improvements secured by the SRA include designated wheelchair spaces, accessible toilets, priority seating, customer information systems and improvements to the colour contrast of the interior and exterior of vehicles.

#### *Franchise commitments*

Existing franchise agreements have a variety of differing commitments that will improve accessibility both at stations and through customer service. For example the Chiltern, TPE, c2c, GNER and Scottish franchises include works at selected stations that will improve access and/or accessible facilities. The Great Northern franchise has commitments to provide Customer Information Systems at stations where it is not currently provided.

Following the SRA review of the franchise agreement and the new franchise policy (published November 2002), the SRA has incorporated specific requirements in the template franchise agreement. This was to promote consistency and early benefits for passengers. New franchisees (eg the "One" franchise) are obliged to set up an annual minor works programme and budget to carry out small scale physical alterations or additions at stations. Examples of such works include the removal of one or two steps, additional handrails, improved signage and audible and visual information. The franchisee must consult DPTAC and the Rail Passengers' Committee (RPC) on the content of the programme. Further the franchisee must use reasonable endeavours to obtain funding from other funding agencies, such as local authorities.

New franchise agreements also encourage the provision of alternative accessible transport (eg buses or taxis). The agreement includes an obligation relating to the provision of alternative transport for wheelchair users or passengers with severe mobility impairments to/from a station with physical barriers to access to/from the nearest station with step free access on the line of route, or other suitable intermediate point. This obligation is subject to reasonable notice and to the reasonable availability of suitable alternative transport.

#### *Major stations*

Major station improvements that incorporate accessibility improvements include new lifts, set down points and car parking, ticket offices and retail areas, information screens and travelator at Manchester Piccadilly. At Leeds alterations have been made to the concourse and platforms, new lifts have been provided and improvements have been made to the ticket offices and retail areas, information screens, set down points and car parking.

#### *Disabled People's Protection Policies/Code of Practice*

All franchised operators now have revised Disabled People's Protection Policies approved by the SRA, providing a clear and improved framework for customers. The SRA's Code of Practice brings together current best practice and standards on accessibility. The SRA has obtained commitments by operators to comply with the service standards in the Code, and to meet the physical standards in the Code whenever new work or refurbishment takes place. We will be proposing revisions to the Code as part of our forthcoming consultation on an Accessibility Strategy.

#### *Rail Passenger Partnership Schemes*

Rail Passenger Partnership (RPP) schemes that have improved accessibility at stations include lifts at Brentford, a new fully accessible station at Chandlers Ford and ramped access to the stations at Downham Market and Littleport.

#### *Information and assistance*

The SRA understands the necessity for investment in improving the physical accessibility of stations and trains. But the day to day travel experience is also important. Disabled passengers need accessible information and seamless customer care if they are to benefit fully from new trains and systems. The SRA is seeking to focus industry effort on improving customer service for disabled passenger through more consistent training and provision of assistance. The SRA is also seeking to influence industry bodies and individual companies to ensure that the mainstream business incorporates disability issues.

The SRA has funded the Association of Train Operating Companies' (ATOC) Rail Map for People with Reduced Mobility. This is a GB map that identifies stations which have step free access to platforms and indicates assistance levels. The map will help some disabled people to plan their journeys and gives them independent access to information. ATOC recommends that anyone who requires assistance accessing the rail network continues to use the telephone reservation system for advice on whether the accessibility of a station is suitable for that individual's needs.

The SRA has reviewed the system of booking and receiving staff assistance through the Disabled Person's Reporting System (DPRS). The SRA is currently considering how best to take the findings of this work forward in conjunction with ATOC. Some of the necessary action is likely to be monitored and enforced through the SRA Code of Practice and operators' DPPP's.

#### D. HEALTH AND SAFETY ISSUES—BARROW CROSSINGS

We are aware of concerns about the removal of barrow crossings which have caused a reduction in accessibility for passengers with disabilities. Safety is our first priority, however we will seek advice from HSE and advocate the retention of foot crossings where supported by a robust risk assessment. We will consult on relevant revisions to our Code of Practice as part of our consultation on our Disability Strategy.

#### E. CONSULTATION ON AN ACCESSIBILITY STRATEGY

The SRA is developing for consultation an Accessibility Strategy under section 206 of the Transport Act 2000. The objectives of the draft Strategy are:

- to establish a coherent, agreed, funded plan for making the railway more accessible;
- given finite resources, to establish a framework within which priorities can be established; and
- to set out a clear implementation route so that different players within the restructured railway can all work towards common goals.

The Strategy will take into account increasing social expectations and the need to address social exclusion, the legal perspective, and affordability. The SRA must prioritise its activity in order to make the most difference to disabled people, within the resources available. The responses to the forthcoming consultation will help to inform our final Strategy.

In making decisions on station access improvements, it is likely that the busier stations will be prioritised. This means that many stations on Community Rail routes are likely to have a relatively low priority. The Community Rail Strategy aims to ensure that existing accessibility is maintained at lower use stations through the retention of barrow crossings and also seeks to improve access through partnership working with local stakeholders. Partnership working and joint funding can enable improvements on stations which would otherwise have a low priority due to their relatively low use. The provision of reasonable alternative accessible transport is also important.

Strategic Rail Authority

*November 2004*

### **Memorandum by the Disability Rights Commission (DAF 19)**

#### DISABLED PEOPLE'S ACCESS TO TRANSPORT

##### INTRODUCTION

The DRC welcomes this opportunity to submit evidence to the Transport Select Committee on the following questions. We will address each of the Committee's questions as set out in your call for evidence:

- What progress is being made in ensuring that disabled people have proper access to transport?
- Are the provisions of the Disability Discrimination Act being interpreted in unexpected ways?
- Is accessibility coming second-best to other considerations such as Health and Safety? Where should the balance lie?
- Is there any truth in the suggestions that services are being "levelled down" rather than "levelled up"?

##### WHAT PROGRESS IS BEING MADE IN ENSURING THAT DISABLED PEOPLE HAVE PROPER ACCESS TO TRANSPORT?

The DRC acknowledges that progress in improving access to transport services for disabled people will inevitably be slower than we would like because of the long life span of much of the infrastructure of the industry.

We have been encouraged by the continuing introduction of new buses and trains which are compliant with access regulations under Part 5 of the DDA. However, we have been disappointed by the further delay in the removal of "slam door" trains in the South East of England.

We believe that there are three steps which the Government could take to improve the situation.

Firstly, it is a source of acute disappointment to the DRC that the Government has not fulfilled its commitment to introduce the Disability Discrimination Bill into the House of Lords before the end of the Parliamentary session. The clauses in the Bill which will remove the exemption of much of the transport industry from duties under Part 3 of the DDA in relation to the provision of services on vehicles will play

an important role in improving access to transport services for disabled people. We continue to receive calls to our Helpline from disabled people who have been refused access to vehicles which are accessible to them. This happens particularly with regard to buses, despite conduct regulations which prohibit drivers behaving in this way. We believe that the removal of the “transport exemption” will be an important step to stopping this behaviour.

Secondly, the DRC is disappointed by the continuing delay in introducing amendments to the Public Service Vehicle Accessibility Regulations 2000 to require the fitting of equipment which provide audible and visual announcements on buses. These are particularly of benefit to people with visual and hearing impairments. This equipment was the subject of an apparently successful pilot exercise over two years ago and the DRC believes that the regulations should be amended to make the fitting of such equipment mandatory on all new buses.

Thirdly, the DRC is concerned that the Government has still to issue accessibility regulations for Taxis under Part 5 of the DDA. We acknowledge the difficulties involved in issuing regulations which will apply to the whole of the UK, and therefore welcomed the Government’s policy statement last year about their approach to resolving this problem. There was disappointment that the Government felt it could only introduce the policy in 2010, but it is now a matter of concern that unless access regulations are issued shortly this deadline will have to be further deferred in order to give manufacturers sufficient time to produce compliant vehicles.

#### ARE THE PROVISIONS OF THE DISABILITY DISCRIMINATION ACT BEING INTERPRETED IN UNEXPECTED WAYS?

Because of the transport exemption to Part 3 of the DDA “in so far as it consists of the use of a mode of transport” significant aspects of the provision of transport services remain outside the scope of the legislation.

Nevertheless transport providers do have duties with regard to the provision of what is loosely termed “transport infrastructure”. This includes not only access to airports, ferry terminals and train and bus stations, but also ticketing arrangements and the provision of information services.

The DRC has supported two cases under these provisions and is pleased to have been successful with both.

In the case of *Roads v Central Trains* Judge Sedley QC, in the Royal Courts of Justice, ruled that train operators Central Trains acted unlawfully by not paying the cost of Mr Roads’ cab fare to drive him to the other side of the station at Thetford because of its inaccessible platform. Central Trains had said that Mr Roads could access the platform by travelling to Ely in the opposite direction in order to arrive back at the accessible station platform.

This is a landmark ruling under the Disability Discrimination Act (DDA) 1999 duties, whereby reasonable adjustments are required to, amongst other things, provide a reasonable alternative method of service where a physical feature makes it “impossible or unreasonably difficult” for disabled people to use a service.

Although the judgment dealt with the particular and somewhat unusual facts, the Court did address for the first time the unique duty to make “reasonable adjustments” contained in section 21 of the Act. The Court endorsed the approach in *In Re Holy Cross v Pershore* [2002] Fam 1 Cons Ct (Worcester) at para 105, saying that the policy of the Act is to “provide access to a service as close as it is reasonably possible to get to the standard normally offered to the public at large”. In addition, the judgment made clear that making an adjustment will not necessarily be sufficient to meet the duty where there is another less demeaning or onerous one available, as was the case here.

The judgement went on to say that whilst the section 19b reasonable adjustment duty is owed to individuals, the s 21 duty is owed to disabled people at large, thus endorsing the “anticipatory” nature of the duty, and the fact that service providers cannot just wait until a disabled person approaches them before making adjustments.

Central Trains defence was hampered by their failure to prepare a Disabled Person’s Protection Policy (DPPP) to the deadline set by Strategic Rail Authority. In a review of DPPPs published in February 2003 DPTAC raised strong concerns about the quality of the policies being developed by rail companies, many of whom did not even have a basic knowledge of the accessibility of the stations under their control. (“We are concerned that some in the industry do not recognise access for disabled people as an integral part of running a modern railway. This does not mean all stations need to comply with the letter of the Code but it should mean all operators are complying with the spirit of the Disability Discrimination Act 1995 by working towards the removal of barriers for disabled people.”) According to figures from the Strategic Rail Authority, they estimate that some 60% of stations are currently inaccessible. These figures are backed up by independent research from Tripscope (A charity which provides information to disabled people about access to transport services).

The DRC is disappointed by the way in which the rail industry has approached its duty under Part 3 of the DDA to make reasonable physical adjustments to remove barriers which prevent disabled people using their services. Investment in the national railways infrastructure rose from £939 million pounds in 1992–93 to £3,756 million pounds in 2002–03. In the light of this investment it is disappointing that such a large proportion of the network remains inaccessible to disabled people.

We are disappointed that the Strategic Rail Authority has yet to publish its strategy to improve accessibility of the rail network. While acknowledging the pressures under which they work we would have hoped that the SRA would provide a strategic lead to the rail industry on this issue. As we point out above the duty to make reasonable physical adjustments is anticipatory and we think that it should have been in place before the duty came into effect on 1 October.

The other DDA case which the DRC supported was the widely reported case against Ryanair’s policy of charging for the use of a wheelchair at Stansted Airport. In *Ross v Ryanair & Stansted Airport Limited*, Ryanair were found to have discriminated against Mr Ross by Central London County Court. They have appealed to the Court of Appeal saying that they had not discriminated and it was the Airport who should have provided the free wheelchair because it was they who were providing the services at the airport.

#### IS ACCESSIBILITY COMING SECOND-BEST TO OTHER CONSIDERATIONS, SUCH AS HEALTH AND SAFETY? WHERE SHOULD THE BALANCE LIE?

The DRC recognises that Health and Safety is of vital importance in the provision of public transport services. We would not wish to see disabled people put at undue risk in order to ensure that they have access to these services. Nevertheless we are aware of cases where concerns about health and safety have been raised in a way which we believe is inappropriate. Unfortunately, to date this has happened in circumstances which are covered by the transport exemption, and we have been unable to challenge these decisions in the Courts.

The DRC has received a number of complaints where deaf people have been prevented from flying on planes operated by both Iberia Airlines and Easyjet. In each case the reason given has been that pilots believe these passengers will be unable to understand safety instructions in the event of an emergency.

We believe that this view is mistaken. It seems strange to us that a pilot should consider a deaf person, who is used to coping in circumstances where information is not communicated to them clearly, should be considered at greater risk than a foreign passenger who cannot understand the language used by the airline, and who of course is much less familiar with the experience of having communication difficulties. We believe that airlines could do more to make safety announcements more accessible to people with hearing difficulties. However there is no justification for the decision to eject these passengers from the plane.

We are also concerned about the policy of one ferry operator to refuse to allow Guide Dog Owners to be accompanied by their dog whilst on board. Many reasons for this policy have been quoted including dogs being sea sick, becoming unstable or even jumping over board. The DRC would question the basis for these assumptions which are not supported by any form of evidence. Indeed many of these assumptions could of course be levelled at the human passenger, particularly when the consumption of alcohol is a factor.

The Government remains committed to a voluntary approach to serving disabled people on both airlines and shipping. However, it is the DRC’s view that the voluntary approach has been repeatedly shown to fail. For many years before the DDA was passed Governments supported voluntary efforts to remove the discrimination faced by disabled people. In the end they acknowledged that legislation was required, and we are confident that it is only a matter of time before they will reach the same conclusion with regard to air and maritime operators. However, until they do so disabled people continue to be excluded from these services and regularly face humiliating experiences.

#### IS THERE ANY TRUTH IN THE SUGGESTIONS THAT SERVICES ARE BEING “LEVELLED DOWN” RATHER THAN “LEVELLED UP”?

The DRC is not at this stage aware of this happening within the transport sector. However, we believe that if this is to be avoided transport provision must not be seen in isolation. Transport is a vital component of an inclusive environment which will enable disabled people to fulfil their potential.

Inclusive environments are made up of many elements—including the attitudes of individuals and society; the planning, design and management of services; transport; communications; and buildings and spaces. Inclusive environments accommodate and provide solutions that enable all citizens to participate in mainstream activities equally, independently, with choice and with dignity.

If they are to be truly sustainable, communities must be planned, designed, managed and maintained to enable everyone to live, work, learn and participate in the activities they choose without being confronted by barriers that prevent them from doing so.

The provision of accessible infrastructure is fundamental to achieving a successfully sustainable community. Key services such as hospitals, local GP surgeries, schools, pharmacies, post offices and grocers all serve to anchor communities. Recent years have witnessed the gradual disappearance of some of these services from communities through closure or centralisation of the service, which has greatly increased the need to travel.

If accessible, affordable and reliable transport is not available, many disabled people will be denied access to services and to employment opportunities. Research published in 2003<sup>7</sup> by Leonard Cheshire revealed that the unavailability of accessible transport had a negative impact on disabled people's employment opportunities, access to health care and considerably reduced contact with friends and family.

The Government itself has recognised that a key barrier to inclusion is the availability and accessibility of transport and that inaccessible transport problems "undermine Government objectives that are essential to combat poverty and social exclusion".<sup>8</sup>

Local transport plans (LTPs) are expected to combine various concerns such as land use and accessibility planning along with transport provision to produce a coordinated and unified approach. Emphasis is placed on the value of quality contracts and statutory quality partnerships. Clearly such infrastructure planning should involve private sector service providers as partners, but many of those partners will be driven by commercial forces beyond the boundaries of the local, regional or even national area and will make investment decisions accordingly.

What is unclear is the extent to which regional and local authorities will be able to guarantee that existing and newly planned services will be sustained and not withdrawn over time. Moreover, how will authorities be able to confidently introduce new networks or expand existing networks to underpin economic growth, without the powers to govern service delivery?

The DRC would like to see Government introduce a comprehensive national transport strategy that fully recognises that accessible, affordable and available transport is the lynchpin of economic growth linking people to employment, skills, services and the economy. The strategy should establish clear objectives for the growth of the nations transport infrastructure across all modes at local, regional and national levels. It should also empower local transport bodies to plan, govern and invest in the development of comprehensive local transport networks.

Disability Rights Commission

22 November 2004

### **Memorandum by CTC (DAF 20)**

#### **DISABLED PERSONS ACCESS TO TRANSPORT**

I write on behalf of CTC, the National Cyclists Organisation, principally involved in dealing with issues concerning bicycles and Public Transport. The CTC has some 70,000 members and affiliates, and a number of members have contacted us over their problems in using their bicycle as an aid to independent mobility, both in combining the use of the bike, often a machine specifically adapted for their use, with train, and occasionally bus and taxi, to lead a productive life without the need to rely heavily on others for local transport. In addition they also suffer from poor design and maintenance of paths and other facilities where access arrangements and surface conditions are difficult even for an able bodied cyclist.

The independent mobility and range of independent travel for many with visual, balance and motor malfunction can be greatly enhanced by the use of a bicycle. With an able bodied cyclist their range is reckoned to expand four-fold over walking, but reports from those with motor and balance impairment, the difference between a painful and difficult 50 metre limit for walking, is dramatically extended to several miles cycling.

For the visually impaired the ability to cycle allows a vastly improved range of local mobility, and some enjoy the ability to travel long distances without dependence on a car driver, or complex and costly use of taxis. Notable here are the Simpson brothers who manage their business by combining their use of a tandem with rail travel. They are fortunate in being good negotiators, and innovative problem solvers, and recently gave an excellent presentation on how they manage to overcome the unnecessary bans on conveyance of their tandem, and the pettyness which almost had them having to endure a night-time ride in bad weather, when they were the only passengers travelling in the carriage, and could stow the tandem within the available space. Their work has shown that many trains can accommodate specialised cycles but even operators who have agreed this is possible, are not conceding this in their published conditions.

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<sup>7</sup> Campion *et al* (2003) "Mind the Gap" Social Exclusion Report, Leonard Cheshire, London 2003.

<sup>8</sup> Social Exclusion Unit *Making the Connection: Transport and Social Exclusion* February 2003 (p 2).

The Simpsons' experience reflects a key factor in the way we gain this access for the disabled person using a bicycle, or tricycle as a mobility aid. Much as Phil White realised that a franchise is loaned and not owned, the tenure of any management regime is but the blink of an eye in the history of the railway. In hauling trains with locomotive units, the railway diaspora has grown over 200 years, to reflect in the men and women who view their vocation as working for The Railway. They thus generally rise to the challenge of accommodating the passengers with mobility problems, and often mask the inadequacies of the environment in which they work by so doing.

Over recent months I have had feedback from a number of CTC members, and non-members relating to their problems in travelling where the bicycle forms a major plank in a disabled persons mobility regime. The inability to travel with their machine puts the people involved fully dependent on others to get around with all the resulting problems and costs that arise in making more taxi and accessible transport vehicles available, to a population who would far rather do without.

One particular issue for those with poor sight is that they may be able to ride in daylight, but in poor weather and if caught out at nightfall, they have relied on the ability to abandon their ride and catch a train. Whilst generally the availability of trains at night is good, they would presumably be entitled to use the space made available under the RVAR and DDA if there is nowhere to else put the bike. Many of these riders do, however, voice concern over the uncertainty of being able to get on the train.

Some train modifications fly in the face of commonsense, I travelled on a Scotrail Class 318 where the tip-up bench seats were removed at the express instruction of SPT "to offer more seating capacity at peak hours (barely one hour in the morning and one hour in the evening, and the gain in seating—just one additional seat on a three-coach train with under 300 seats in total. I experienced this for the first time en route to the RPC Scotland meeting in Largs around four years ago., and the removal of the flexible area of tip-up seating with generous access meant that two of the three wheelchairs plus four prams, and two bicycles cluttered up the door vestibules and gangway on a train barely 20% full (a photo can be supplied showing the low passenger count but high congestion through absence of a suitable flexible area of seating).

A similar regressive move which was poorly considered—given that the impending introduction of DDA and RVAR was on the horizon at the time, was the conversion of the van space on SWT's 24 Class 442 units and the removal in that process of access on to the train which met the minimum width standard for wheelchairs. Instead we got 30 closely packed seats with the former door opening blanked off, and a promise of rectification of the problem when the units are refurbished—in theory very soon but in practice no-one is prepared to fund this. The provision of suitable access and flexible space being a benefit to both the wheelchair user and the cycle user, with the flexible space buffer allowing surge loadings such as the three wheelchairs travelling on my Largs train.

CTC policy recommendations on cycle carriage work to ensure special cycles can be accommodated, if necessary with pre booking to the extent of at least one tandem or tricycle per train or multiple unit set, and the space for bicycles to be 50% specially laid out for cycles and 50% flexible space graded from a total of % of seated passengers (3% dedicated) for the first 100 seats and extended at 4% (2% dedicated) for additional seating capacity pro-rata.

There remains a further issue relating to DDA in the convenience and level of service for the disabled cyclist to use both the roads network, and specific cycle provision in the form of cycle paths. Here the surface condition—a detail where even able bodied cyclists can experience problems, will be an even greater problem for the disabled cyclists, especially for machines more sensitive to poor surfaces such as tricycles. .

Parking and access to buildings may also present challenges which the able bodied cyclist is expected to overcome but exceed that which the disabled rider can handle. Changes of level may often require better provision, as with any mobility impaired user access detail, and doors will need to open or latch to allow passage of a cyclist with their machine. Reports are that even post October 2004, cycle facilities which exclude certain classes of disabled cyclist were being built, although we have yet to receive a confirmed case or complaint for a specific location.

The current position on introducing disabled people to cycling is of a patchy coverage of independent schemes, including Cycling for All, a coalition of cycle centres across the UK, where special machines are available. The Cycling Project for the North West (now the Cycling Project) produced a comprehensive report on this for the Countryside Agency which provides substantial information on opening up the opportunities for cycling as transport for those with a disability.

Finally a detail which may be excluded by the fact that these vehicles operate on services where appropriate alternatives are available, and the passenger capacity is generally three people or less, we wonder if cycle rickshaws might be required to provide access to a range of disabilities, if called on to do so. Obviously the operators should be able to carry those who are ambulant, without an aid such as a wheelchair, but presumably the expectation of wheelchair carrying rickshaws is not one which falls within the scope of DDA enforcement.

Finally an observation, from travel and shopping with both bicycles and a pram 800mm wide—which provided a useful gauge as it would only go through gaps which met the maximum standard for wheelchair access. On several trains which have been retro-fitted for DDA access the sliding doors were slightly under the 800mm requirement, which would skin the knuckles of a self propelled chair user, and several arrangements were only useable through being able to tip and twist the pram. Likewise many shops which

have suitable aisles and entrances, in theory then proceed to block these with displays of products, by far the largest offenders being greengrocer's stores where the wide doorways are narrowed down to illegal widths as narrow as 400mm which even able bodied customers have to struggle through when laden with shopping bags.

*Dave Holladay*  
CTC

*November 2004*

### **Memorandum by Merseytravel (DAF 21)**

#### **DISABLED PEOPLE'S ACCESS TO TRANSPORT**

##### **1. INTRODUCTION**

Merseytravel welcomes the opportunity to contribute to the Transport Committee's enquiry into how effectively disabled people are accessing public transport.

Merseytravel is the operating name of the Passenger Transport Authority and Executive for Merseyside. It is a public body, the Authority being made up of 18 councillors nominated by the five Merseyside local authorities, ie Liverpool City Council, Wirral Borough Council, Knowsley Metropolitan Borough Council, Sefton Council and St Helens Metropolitan Borough Council.

Merseytravel:

- owns and operates the world famous Mersey Ferries;
- subsidises socially necessary bus services;
- funds the Merseyrail network and specifies fare and service levels;
- provides a free travel scheme for the elderly and disabled on all modes of transport;
- operates pre-paid ticketing in conjunction with bus and rail operators;
- provides a transport information service;
- maintains over 6,000 bus stops and shelters and the major bus stations throughout Merseyside; and
- owns, operates and maintains the Mersey road tunnels.

##### **2. THE COMMITTEE IS INVITING EVIDENCE ON:**

- What progress is being made in ensuring that disabled people have proper access to transport? See section 3 below.
- Are the provisions of the Disability Discrimination Act being interpreted in unexpected ways? See section 4 below.
- Is accessibility coming second best to other considerations, such as health and safety? Where should the balance lie? See section 5 below.
- Is there any truth in the suggestions that services are being "levelled down" rather than "levelled up"? See section 6 below.
- In addition to answering the above questions we set out, in sections 7, 8 and 9, below additional services we consider to be essential to an inclusive public transport service.

##### **3. PROGRESSING TO ACCESSIBLE TRANSPORT**

In Merseyside the physical transport barriers, including pedestrian transport barriers, are being reduced year on year by a series of co-ordinated actions contained within the Merseyside Local Transport Plan.

##### *Infrastructure*

Merseytravel commenced making its offices, bus stations and information offices accessible many years before the Disability Discrimination Act was passed. Architecturally designed ramped main entrances were introduced to two Grade II listed buildings in 1990, to enable disabled travellers and potential travellers to access our principle offices. All subsequent new build developments have incorporated best accessible design practice.

Best practice guidance has been developed, in partnership with the district local authorities of Merseyside, to create, initially, "The Merseyside Code of Practice on Access and Mobility". The code has since been developed further, with additional partners, from academe, health and the community, into a web based inclusive design guide [www.accesscode.info](http://www.accesscode.info)

*Buses*

Merseytravel is providing quality bus corridors, where the bus stops are raised to be closer to the bus entry steps, and operators have been re-equipping with low floor accessible vehicles, since 1994.

Merseytravel's pioneering work with low floor bus services in the early 1990's contributed to the formulation of the DDA Vehicle access regulations. Whilst Merseyside has more low-floor buses than comparable areas, we would like to see more rapid progress to a fully accessible bus fleet.

*Rail*

Merseytravel works in partnership with the local rail operators, one of which is refurbishing its vehicles to DDA accessibility standards, and all provide, much appreciated, helpful staff.

Merseytravel requires all stations, within its area, to be staffed from first to last train. All rail vehicles serving Merseyside stations are able to carry wheelchairs. Not all rail stations (Victorian constructions on high embankments or deep cuttings) are yet accessible, but we are progressively installing lifts etc, to make them so. So far of the 80 stations on the Merseyrail Network over 50% are now fully accessible. Work has now been completed so that we have accessible solutions for stations in cuttings or embankments.

*Ferries*

The Mersey ferries vessels and infrastructure have all undergone refurbishment to accessible standards over recent years. An electric buggy is available to transport disabled people safely from quay to landing stage when the link bridge is too steep for pedestrian travel, due to low tide.

*Travel information*

Access to information is equally important, disabled people, particularly, need information about every aspect of any journey they might wish to make. Merseytravel has Minicomms on all public information lines, and offers all documents in alternative formats to meet the individual's needs. The travel information line is open 12/7 and is particularly popular with Blind people. The web site is also to an accessible standard. Merseytravel's access information line is recognised as the best in the UK for providing information.

*Customer care*

By far the most effective and reassuring measure for all types of vulnerable traveller is the presence of staff, both on vehicles and at interchanges—preferably staff who are trained in how to assist people with different needs. Attitude can be the biggest barrier to accessing services. Merseytravel has provided all its staff with disability equality training, and requires that bus drivers of contracted services have had similar training.

*Summarising progress*

We are confident that progress towards a fully integrated accessible transport network is being made within Merseyside, but there is still much to be done.

The first thing to recognise is that whilst the DDA vehicle access regulations are intended to meet the needs of the majority of disabled people, there are a minority who can only enjoy an active life with more bespoke transport. Our views are explained in section 7 below.

Neither will we maximise the benefits of accessible buses, trains, ferries, information, or positive staff attitudes, without providing further help to people who don't have a tradition of using public transport. Our views are explained in section 8 below.

**4. UNEXPECTED INTERPRETATIONS OF THE DISABILITY DISCRIMINATION ACT**

Merseytravel's access officers have had to explain, to some disabled people that, whilst transport infrastructure and information services are covered, means of transport are not covered, by Part III of the DDA. Those particular disabled people thought that after 1 October 2004, bus operators, whose buses they could not access, could be sued.

**5. HEALTH AND SAFETY'S INFLUENCE ON ACCESS**

We hear of too many instances of wheelchair users being refused access to wheelchair accessible buses because:

- (a) The driver is not prepared to insist that baby buggy users, occupying the wheelchair space, should fold up and move from the wheelchair space.

- (b) drivers refuse to get out of their cabs, to operate the manual ramps, for fear of being mugged for their takings.

Operators have made the commercial decisions, when renewing their fleets, to purchase buses with manual ramps, instead of powered ramps, and have not equipped them with cash vaults, to allay drivers concerns.

We also hear of too many instances of bus drivers setting off before passengers, including blind and elderly passengers, are seated. Conversely drivers are also failing to slow down and stop, in response to the bell, unless passengers wishing to alight have also left their seat in readiness. Many frail older people give up travelling because they cannot stand on a moving bus.

Statutory Instrument 2002 No 1724 is ineffective in combating such abuses, particularly as a large proportion of the accessible bus fleet was manufactured prior to the introduction of the DDA vehicle access regulations. We, and a number of frustrated would be travellers, look forward to bus drivers being included, with other service providers, under the Disability Discrimination Act as modified by the Disability Bill, when the later becomes law in 2006.

#### 6. LEVEL OF PUBLIC TRANSPORT PROVISION

Many bus operating companies wish to raise their public profile, and that of public transport, by operating modern, and hence accessible, vehicles. However, there are some companies, which exploit a commercial advantage in operating cheap (older) vehicles. This allows them to undercut the quality operators on the corridors they compete on. This in turn inhibits quality operators from investing in new vehicles, on those corridors subject to cheap competition, slowing down progress to a fully accessible bus fleet.

#### 7. DOOR-TO-DOOR SERVICES FOR DISABLED PEOPLE

Merseytravel established a door-to-door service; using lift equipped mini buses, for disabled people 20 years ago. At the time, no public buses, and only a minority of trains, were able to carry wheelchair users. The door-to-door service, called Merseylink, now uses low floor, ramp equipped mini buses.

Despite the introduction of improvements to public transport set out in section 2, the demand for this type of service continues to grow. The reasons for this are:

- (a) Some disadvantaged housing estates, are not served by commercial public transport, and cannot realistically, due to the Transport Act 1985's limitations be served by supported services other than, those designed purely for economic activities such as, JOBLINK. Whilst disabled job seekers, from those pathway areas, can and do use these services, the majority of disabled people are of retirement age.
- (b) Some people's mobility is so limited that they cannot walk to or stand at their nearest bus stop, or rail station.
- (c) Some wheelchair users cannot travel in an upright posture, or are of too great a stature, so that they, together with their wheelchair, are too large to fit within the designated space in a DDA compliant vehicle.
- (d) Some people who used to use manual wheelchairs now enjoy the greater independence of powered wheelchairs, some of which are too large to fit within the designated space on a DDA compliant vehicle.
- (e) Wheelchair user couples cannot travel together on DDA compliant vehicles, which only have one wheelchair space.
- (f) Whilst most blind people can physically use buses and trains for local journeys, they cannot manage to travel independently with heavy luggage and manage their mobility aid, whether long cane or guide dog, at the same time.

We schedule the Merseylink service to integrate with, the accessible parts, of the public transport network in order to maximise the frequency and distance people can travel within Merseyside and beyond.

#### 8. FAMILIARISING PEOPLE WITH THE PUBLIC TRANSPORT NETWORK

##### *Travel training*

Whilst much has been done in Merseyside in recent years in removing physical barriers to disabled travellers, it is just as important to consider what can be done to assist people who have an "invisible" reason for finding it difficult to travel. The TOGO project funded by Merseytravel and carried out by the Shaw Trust, MENCAP and Liverpool Voluntary Services for Blind People provides travel awareness training which is one way of helping to improve people's mobility to provide them with the necessary skills and confidence for travelling independently by public transport.

The scheme's staff work through the following list of travel tasks with those service users:

- Get Ready, leaving home routines; getting out on time.
- Remembering what to bring.
- The trip to the bus stop.
- Recognising the bus stop.
- Communicating directions.
- Waiting at the stop (on the street or at the terminal).
- Recognising the bus.
- Boarding the bus.
- Paying the fare/showing the Free Travel Pass.
- Transfers.
- Taking a seat/positioning the wheelchair.
- Behaviours.
- Landmarks.
- Signalling for your stop.
- Exiting the bus.
- Getting additional information (maps, schedules, timetables).

As no two people are alike, the travel-training process reflects the different transit needs and learning styles of each individual. During the first phase the service user and trainer go through the steps together, with the trainer instructing the service user as necessary. During the next phases the service user is allowed to demonstrate levels of independence: the trainer will board the bus after the service user and sit behind; will allow the service user to travel alone, but follow to oversee any transfers or problem-solving activities; will allow the service user to travel without the knowledge that the trainer is following; and finally will allow the service user to travel and report back to the trainer on how the journey went.

We are also acutely aware that many people without cognitive impairments, if unfamiliar with modern public transport can find the prospect of using it daunting. We at Merseytravel see our next challenge to develop an affordable, non-patronising, public transport-mentoring scheme to help adults new to or returning to public transport to become familiar and confident in using the public transport network.

#### *Travel education resources*

Merseytravel has developed education packs to enable transport issues to be integrated into various stages of the national curriculum, in such a way as to contribute to the young people's personal development.

One of those education packs promotes access to public transport for people with cognitive impairments (learning difficulties). It is entitled "Here to There with Merseytravel". It includes illustrated fact sheets illustrating how to make a journey by bus, by train or how to cross the river by ferry etc.

The Here to There with Merseytravel Education Pack fosters the social and vocational integration of young people with cognitive impairments between the ages of 14 and 21. This is done by means of a practice-based learning.

Initially, students acquire the basic skills and abilities they need to cope with everyday life, but an on-going objective is to help students to develop a "cognitive map" of a journey by making them familiar with every small detail. The primary objective is to equip the youngsters to lead as independent lives as possible.

#### 9. CONSULTATION WITH TRANSPORT USERS AND POTENTIAL USERS

One of the duties of Merseytravel's two access officers is to attend regular meetings of disability groups and networks, access groups etc to keep people informed of transport developments and to note peoples travel experiences, particularly where improvements can be made. The information gained is fed back within Merseytravel and to operators, to counter poor practice and improve the quality of the travel experience on the network.

Merseytravel also hosts meetings of a Transport Access Panel eight times per year, where older and disabled people can learn of progress in implementing the local transport plan, and inform elected members of the sort of public transport improvements they would like to see implemented.

The ongoing dialog helps to inform Merseytravel policy and has helped us in formulating this response.

## 10. SHARING GOOD PRACTICE

Merseytravel will be hosting a conference in February 2005, entitled "Disability on the Agenda". The idea behind the conference is to share with other practitioners PTE's etc our achievements to date. All local MP's have been sent a letter of invitation.

*November 2004*

### **Memorandum by Network Rail (DAF 22)**

#### DISABLED PEOPLE'S ACCESS TO TRANSPORT

Further to your request for a memorandum setting out information regarding disabled people's access to transport, I am pleased to outline details regarding the areas of information that you requested.

— Network Rail's view of its responsibilities under the Disability Discrimination Act.

Network Rail, like all other station operators, is required to have due regard to the Strategic Rail Authority's Code of Practice "Train and Station Services for Disabled Passengers" (February 2002), when providing facilities or services for passengers with disabilities. In addition, it is a condition of Network Rail's station licence that it establishes and complies with a Disabled People's Protection Policy in relation to the stations it manages.

Under the DDA, train operators are the service provider at stations where they are the Station Facility Operator ("SFO") and will be responsible for addressing the DDA at these stations. Network Rail is the SFO and service provider at the 17 stations it directly manages and at these stations Network Rail's responsibility also extends to the station services that are subcontracted to TOCs, such as mobility assistance.

Where areas have been let to commercial tenants or another train operator (eg catering or ticketing), it is for the SFO—be it the Train Operator or Network Rail—to encourage tenants to comply with the Code and for tenants to meet the requirements of the DDA.

Network Rail, as the landlord at stations leased to train operators and of leased areas within stations it directly manages, is responsible under the DDA to not unreasonably withhold consent to changes that tenants wish to make to abide by the law.

— Current policy about disabled access to the rail network.

Achieving a more accessible rail network requires the active co-operation of all industry parties. We believe it is self-evident that improving access for disabled people improves access for all passengers.

Our efforts for meeting the requirements of the DDA are focused, as outlined above, where Network Rail is the service provider. With regards stations this consists of our 17 managed stations, of which around 70% of all passenger journeys make use.

Accessibility at Network Rail managed stations is near to 100%. Surveys at each station have recently been undertaken to determine what elements remain inaccessible. We have taken an operational approach to resolve any issues through existing management arrangements with assistance from an implementation manager.

In the few areas where there are physical barriers at managed station, we have taken practical steps to overcome these, such as staff assistance and correction of signs.

At leased stations, as the landlord of non-common areas and commercial retail units, our main responsibility under the DDA is not to unreasonably withhold consent to changes that the SFO tenant wishes to make to abide by the law.

— Network Rail's policy on the provision and use of level and barrow crossings.

At level crossings and other track crossings not within station boundaries and to which the public have access, Network Rail is likely to be considered the service provider for the purposes of section 19 of the DDA. We are therefore obliged to take "reasonable steps" to enable people with a disability to use our public crossings or provide a reasonable alternative.

In 2003 Network Rail commissioned Fieldfare Trust, disability access consultants, to identify the issues that face disabled people in using level crossings and to make appropriate recommendations for change.

The Fieldfare recommendations proposed the adoption of British Standard BS 8300: 2001 and the Countryside for All Standard as minimum standards for all areas of Network Rail property associated with level crossings. Network Rail has commenced work on a programme of accessibility awareness directed specifically at level crossing risk specialists.

Barrow crossings at leased stations may assist with making platforms at a station accessible. However, it is for the SFO to undertake this assessment and to determine, in conjunction with Network Rail, whether the crossing is of an appropriate standard so that it can be used safely.

Generally Network Rail does not support reliance on barrow crossings for this purpose unless it can be shown that all risks have been mitigated—which is likely to require staffing by the SFO of the barrow crossing.

*Iain Coucher*  
Deputy Chief Executive

*November 2004*

### **Memorandum by Penny Bould (DAF 23)**

#### **DISABLED PEOPLE'S ACCESS TO TRANSPORT**

1.1 *Credentials*: I presented a paper on behalf of the whole UK disabled people's movement (that is the movement controlled by not run "for" disabled people) to the European Union's Brussels conference on Disability and Discrimination in Employment in 2000. A former BBC reporter, producer, presenter and managing director of my own small media and marketing agency employing up to five people, I have been living on a very low income whilst taking some years to be mostly horizontal. I am a 49 year old woman who became a wheelchair user in 1997. I have been involved in the disabled people's movement for some years and was formerly a board member of a charity run by and for disabled people employing up to 31 paid staff, for over four years. I am a Member of the University of Warwick Medical School Advisory Board and an Associate Member of the Coventry University for Social Justice but I am writing this in a personal capacity. I am also a member of the British Council of Disabled People. I am a graduate in counselling and originally read social sciences at another university. I trained social worker undergraduates in disability awareness this year and plan to train medics next year. I have only just become aware of this opportunity to submit written evidence to this committee. I would like to address many issues but am advised to keep this brief.

1.2 Disabled people clearly face many forms of prejudice, discrimination and barriers including financial ones to transport. It is a major factor in our social exclusion. I hope that the Transport Select Committee really understands the "Social Model" of disability in which the oppression of disabled people by the built environment and resources such as transport as well as people's attitudes are recognised.

2.1 *Accessible vehicles*: The government needs to find ways of providing funding for disabled people's vehicles beyond the existing inadequate Motability scheme, especially for the more severely disabled. The Disability Living Allowance Mobility Component should have an additional element for electric wheelchair users and others who need more heavily adapted vehicles and those who need to use taxis most or all of the time.

2.2 I really need a van with a hydraulic lift and various adaptations including finger tip steering. The good news is that I can get the adaptations paid for through the government's Access to Work (AtW) scheme. But the frustrating bad news is a mystery: who will pay for my van which will cost at least £18,000? Why should I have to write begging letters to companies and charities? The Motability scheme told me they have a three year waiting list for the more heavily adapted vehicles, that in any case they only lend a maximum of £8,500 and, when I last checked, even they admitted that their interest rates were dreadfully high. I need a van so I can lie down, as because of the nature of my impairments I cannot sit up all day every day. My Disability Living Allowance is not enough to cover such a large amount. After a long period of not being able to do any paid work at all I am now doing self employed work based from home. I don't want to commit to borrowing more than I can afford to pay. I live alone and my old car is worth very little and is painful to drive. I can only use it if someone puts my wheelchair (chariot as I prefer to call her) in for me and on one occasion this resulted in someone accidentally smashing a tail light costing £180 to replace. In due course AtW will allow me to employ a driver, but I don't think that will cover 24 hours a day seven days a week and in any case I cannot lie down flat or with raised legs in my car.

3.1 *Streetscapes*: in addition many pavements are still completely inaccessible for wheelchair users. Even where there are really low dropped kerbs, drivers frequently park across them and especially over festive periods. On Saturday I asked a man to move his van forward four feet and he expected me to wait while he went into Boots in Warwick. I politely insisted on him moving it straight away and I was afraid he might physically attack me, he was so angry because he seems to feel that disabled people's time is far less precious than his own. The public needs educating about access.

4.1 *Taxis*: I have lived in Warwick for over three years where I have found that getting an accessible cab is often very difficult and frequently impossible, especially at school start and finish times.

4.2 I get charged between £5 and £7 extra because I am a wheelchair user. Taxi drivers have rarely had disability awareness training. Every time I encounter a new one I have to explain that they do not need to steer or push me unless I ask for help.

4.3 They are often patronising and intrusive, for example wanting to know "what is wrong with" me, to which I suggest that they consider what is right with me and wrong with their question and attitudes. Many drivers are complaining about the cost of buying accessible vehicles and in some areas it is very difficult to obtain a taxi. In central London on leaving the Houses of Parliament I found that many taxis passed by refusing to stop. On leaving the Press Association's offices it took seven vacant taxis before one stopped. A

man of Asian ethnic origin noticed that I was having a tough time getting a black cab to stop and joked that it was even harder for me to get a cab than for a black guy. He came over offering to hail one for me. I felt as if I should hide and then zoom out from an alleyway once he had stopped one. Some stopped and gave me the common "I've got no ramps on today love" response. Some gave odd excuses such as they were "going the wrong way" or I was on the "wrong side" of the road and they would not allow me to get across the road to be on the "right side". Many have no idea how to use ramps and I have to explain how to use them. They often want to use them without bothering to extend them which can be dangerous as it produces a very steep incline. In Stockton village, near Southam in Warwickshire, I took a saloon cab to Leamington Spa and the driver said to me, as he pointed to my wheelchair: "oh you're bringing that bloody thing!" An unpleasant journey ensued with abuse coming from the radio on arrival at my destination. I discovered that calling one firm asking for a taxi for a disabled person, where a wheelchair needs to be disassembled and put into a salon car boot one is sometimes told a cab is not available, whilst a call for a non-disabled person results in a taxi. One firm refused to take me as a wheelchair user to a shop because they did not want to wait for me, claiming they could earn more money taking another fare payer. Especially in winter a disabled person may be unable to wait for a taxi to arrive, because of the impact on their impairments.

5.1 *Blue Badges*: I am concerned about proposals I have heard about to insist that applicants under the discretionary criteria may have to be seen by another GP or official and fear that this will be an unfair obstacle to genuinely disabled people.

*Penny Bould*

a West Midlands Member of the UK Disabled People's Parliament (UKDPP)<sup>9</sup>, wheelchair user, disability awareness trainer, counsellor and journalist.

*December 2004*

### **Supplementary note by the Disabled Persons Transport Advisory Committee (DAF 16A)**

#### **DISABLED PEOPLE'S ACCESS TO TRANSPORT**

##### **GROUP TRAVEL BY DISABLED PEOPLE THROUGH THE CHANNEL TUNNEL**

###### *Background*

1. The Disabled Persons Transport Advisory Committee (DPTAC) appeared before the House of Commons Transport Committee at its oral evidence session on 1 December 2004. A member of the Transport Committee, Mr Stringer, asked "*How much of a problem is it that disabled people are not allowed to travel in groups through the Channel Tunnel?*" I replied "*I do not think we have evidence, but we can certainly look into this and send a note.*" This document is the note I referred to.

2. Eurostar has made available a statement of its current policies on travel for disabled people. This is attached at Annex A.

###### *Evidence of a problem*

3. DPTAC can confirm that we have directly received only one complaint about problems that groups of disabled people have encountered travelling on Eurostar. We received this complaint two weeks after the Transport Committee's 1 December oral evidence session. We have also since been copied in on one further e-mail on this subject that had been sent to the Chair of the Transport Committee.

###### *Limits on numbers of disabled people travelling on the same train*

4. It does not appear that Eurostar imposes any restriction on travel by disabled people, other than in respect of people using wheelchairs. Indeed guide dogs are provided with a free seat next to their owner, and Eurostar now plan to make provision for the carriage of other assistance dogs.

5. Eurostar trains have two wheelchair spaces located in adjacent first class carriages. Only two passengers are permitted to travel in their wheelchairs at any one time, and they must do so in these spaces. Eurostar can accommodate additional wheelchair users in standard, first and premium first class coaches using regular train seating, at the full fare rate, provided they can evacuate the train without the use of a wheelchair and are able to walk a distance of 200 yards unassisted

6. While DPTAC accepts that train designs require there to be an upper limit to the number of wheelchair spaces on any design of train, we would prefer the number of wheelchair spaces on Eurostar trains, which are typically of 16 carriages, to have been considerably greater than two. However DPTAC and the UK Government have had limited opportunity to influence the number, design and location of these spaces.

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<sup>9</sup> Please note that owing to a lack of funds the UKDPP is not currently meeting.

7. These spaces are not governed by the Rail Vehicle Accessibility Regulations 1998, which govern the design of all train carriages introduced on UK rail routes since 31 December 1998. Trains covered by the Rail Vehicle Accessibility Regulations 1998 with 12 or more vehicles would be typically be required to have at least four wheelchair spaces, at least one in each class of passenger accommodation.

*Situation of disabled people travelling on electric scooters*

8. We understand that some disabled people who cannot walk to a seat may have had problems in establishing whether or not they can travel in their electric scooters on Eurostar services. The reason for this is that scooters vary far more widely in size than wheelchairs do.

9. DPTAC hopes that the UK government will introduce a scheme to mark scooters at the point of sale. The mark would identify those scooters that would fit into the standard wheelchair space defined in the Rail Vehicle Accessibility Regulations. We hope that, if this mark can be introduced, Eurostar could use it to identify acceptable scooters.

*Limits on numbers of disabled people travelling together in a group*

10. DPTAC very much welcomes Eurostar's statement that "*Eurostar does not prohibit groups of sight-impaired or hearing-impaired passengers from using its services.*" It would appear that the only limit on Eurostar's carriage of groups of disabled people is its restriction on the number of people who can travel in their wheelchairs at any one time.

11. The design of Eurostar's trains would not permit even two wheelchair users to travel together in their wheelchairs, as the two spaces are in different carriages. DPTAC's preference would be for a design that permitted two wheelchair users to travel together if they chose to do so.

*Disabled people travelling in a group with others*

12. DPTAC welcomes the fact that Eurostar's policies appear to place no limits on travel by a wheelchair user as part of a group including other disabled people who do not use wheelchairs.

13. Eurostar operates a policy, which allows a disabled passenger travelling in a wheelchair, together with one companion to travel in first class accommodation at a reduced standard rate fare, as stated in Annex A. An unfortunate consequence of this is that, if a wheelchair passenger travels as part of a group of three or more people, then the party cannot travel together without the third and any additional persons having to pay the full first class fare.

*Fares for disabled people*

14. Disabled people travelling on Eurostar other than those using wheelchairs do not benefit from reduced fares. For example, Eurostar does not recognise the Disabled Persons Railcard. This is available to permanently and severely disabled people and generally entitles the holder and one accompanying adult to one third off the cost the price of many different types of rail ticket on the national rail system.

*Neil Betteridge*

Chair, Disabled Persons Transport Advisory Committee

21 February 2005

**Annex A**

**Access to Eurostar Services**

Eurostar's terminals and trains are among the newest and most sophisticated in the UK. Both were purpose-built to ensure access and ease of use for all passengers.

Additional assistance for movement-impaired passengers is available at Eurostar's terminals and does not have to be pre-booked.

*Sight-Impaired and Hearing-Impaired Passengers*

Eurostar does not prohibit groups of sight-impaired or hearing-impaired passengers from using its services.

Eurostar ensures that when bookings are taken from groups of blind or deaf passengers they are booked to sit together in adjacent seating. Via BT, passengers calling the Eurostar Contact Centre (08705 186 186) can access the Type-Talk facility for the hard of hearing.

All Eurostar's Customer Service Teams have been trained to high standards in customer care and needs awareness. Many staff have attended specific "Disabled Awareness" courses run by Disability Matters Ltd.

Terminal signage, lighting, lift controls and ticket desk counters have all been designed to ensure maximum visibility at all times.

Since September 2003 Eurostar has allowed guide dogs to accompany their blind or partially sighted owners on Eurostar services providing they comply with the Pet Travel Scheme. When booking, all the guide dog owner has to do is specify that they have a guide dog with them and the adjacent seating space will be booked for the dog free of charge.

Eurostar will shortly open its service up to assistance dogs—again providing they comply with the Pet Travel Scheme.

#### *Wheelchair-Based Passengers*

Safety restrictions relating to Channel Tunnel transit mean that Eurostar is able to transport two wheelchair-based passengers per train.

There are currently two first class seats in the centre coaches (9 and 10) adapted for wheelchair users who need to remain in their own wheelchairs. Ramps are provided on all platforms at all stations where Eurostar trains call, adjacent to these coaches, which are marked with the same details appearing on the passengers' tickets. The accessibility of these coaches is greater than on other coaches of the train. An adjacent seat is available for a travel companion. Eurostar operates a policy, which allows for the disabled passenger and one companion to travel in the first class accommodation at a reduced standard rate fare (return fare: £59 per person for an adult disabled passenger and their companion, and a child rate of £50 per person, or single fare: adult £29.50, child £25).

Prior booking is essential for these seats in accordance with instructions laid down by the Intergovernmental Safety Authority. This is to ensure that the agreed evacuation procedures can be safely implemented in any emergency situation arising during transit through the Channel Tunnel.

Wheelchair users can also be accommodated in standard, first and premium first class coaches using regular train seating, at the full fare rate, provided they can evacuate the train without the use of a wheelchair and are able to walk a distance of 200 yards unassisted

Onboard train crew remain close to the two wheelchair positions throughout the journey to provide assistance where required throughout the journey.

Eurostar's conditions of carriage (available in full on Eurostar.com) state this policy:

*“For safety reasons, access to Eurostar trains by persons confined to wheelchairs is limited to two per train, travelling in the special areas provided. If you are normally confined to a wheelchair but do not declare this at the time of booking, you may be refused access to the train.”*

17 January 2005