

On Track for 2020? The Future of Accessible Rail Travel

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This Report was commissioned by the Association of Train Operating Companies (now the Rail Delivery Group) to consider how accessible Britain's railway network will be to older and disabled people by 1st January 2020 (the date by which all rolling stock must meet legal accessibility requirements).

"The Report looks at the physical accessibility of rolling stock and stations and also considers all the other facilities, services, policies and practices (actual and potential) that can affect the ability of older and disabled people to travel.

The Report also identifies current and future barriers to accessibility.

The Report has been written primarily for policy makers and practitioners concerned with the mobility of disabled and older people. It should also, of course, be highly relevant to those working in the rail industry."

The economic argument for investing in accessibility:

The report begins with a discussion of demographic trends and the economic and social factors around access to transport for disabled and older people. It states that there are now 11 million people in the UK aged 65 or over, and that the figure is set to increase to around 1 in 4 of the total UK population by 2037. This prediction includes *"a significant increase in the numbers of the oldest old"*.

In addition, there are 5.7 million adults of working age, and 0.8 million children. Data on the prevalence of disability indicates that, across the disability age spectrum, mobility impairments are the most common problem, affecting some 6.5 million people.

A 2011 report from the Royal Voluntary Service is referenced, which found that older people made a positive net contribution of £40 billion to the UK economy in 2010. By 2030, the positive net contribution of over 65s is predicted to rise to £77 billion.

The economic discussion concludes: *"Much of the activity of older people which contributes to the economy is possible only because of their continued ability to travel, often by public transport"*.

This section also refers to a recently published report for the Office of Rail and Road, which indicated that *"a lack of confidence in service provision was the biggest single deterrent factor among the disabled and older people surveyed."*

Chapter Six of the Report, entitled ‘Travelling with Confidence’ contains extensive recommendations about staffing, and repeatedly advises against allowing unstaffed trains to run to unstaffed stations.

“Outside the major conurbations, there is a universal trend to reduce the hours during which stations are staffed, including the availability of staffed ticket offices. Currently some 44% of all stations are completely unstaffed and a further 45% are unstaffed at some times of the day (staffing times vary widely). This means that 89% of stations will be without staff at some parts of the day even though trains are operating. It is also worth noting that at least one TOC states explicitly in its DPPP that ticket office staff are not able to provide assistance.

It is easy to understand the economic driving force behind these policies, but it is important to take a broader look at the impact that reduced staffing has on the numbers of people willing or able to travel to or from a given station.

Similarly if the trains themselves have no one to give assistance this acts as the other half of that equation and is important for similar reasons because, whether on station or train, there is clear evidence that older and/or disabled people value staff presence and face to face contact during their journey”

“There is however an indication that there will be an increase in initiatives to reduce staffing (Driver Only Operation (DOO)) which does have significant accessibility implications. The McNulty report in 2011: “Realising the potential of GB Rail” states the case as follows:

“The default position for all services on GB Rail network should be DOO with a second member of train crew only being provided when there is a commercial, technical or other imperative.”

The bulk of services presently meeting the McNulty requirement are in areas where the stations are short distances apart, the services frequent and the stations staffed. The majority are in the London Suburban area.”

The report contains nearly three pages of discussion of the McNulty report, and expresses anxiety over the effect the extension of DOO will have, especially on services beyond the London commuter belt:

On current trends, and given the clear steer in the McNulty report, it seems highly likely that by 2020 there will have been a significant increase in Driver Only Operation. If this is applied to services beyond the London commuter belt there will inevitably be considerable implications for the general confidence of older and disabled people to travel by train and for the provision of assisted travel.

There has been ample research evidence in the last decade that the presence of staff on stations is an important and much valued resource for passengers needing help to find information or buy tickets. It is also a major factor in making passengers feel safe.

Transport Focus research in 2009 commented, for example;

“All our research indicates passengers really like the reassurance only the presence of staff can bring. Taking staff away from stations would represent a very short-term, short-sighted saving.”

While these concerns are voiced by passengers across the age spectrum, they are particularly strongly felt by older people who are least likely to be able to cope comfortably with ticket machines and other automated systems and who are often most in need of the reassurance that uniformed staff presence can bring.

Disabled people are also significantly affected. The Department for Transport’s accessibility strategy “Railways for All” notes that:

“Staff are seen by many passengers, and by disabled passengers in particular, as important at times of disruption, especially unplanned engineering works or delayed trains and in improving personal security, all of which increase confidence to travel by rail.”

They also note that:

“Staff play a key role in providing assistance particularly on the station concourse and platforms.”

The ‘*other imperatives*’ referred to in the McNulty report include the ability of older and disabled people “*to contribute to and participate in society and the economy*”. Given the growing number of older passengers and the clear evidence of their need for the presence of staff both for reassurance and for assistance, it is hard to see how these further economies meets this imperative.

It is difficult too, in legal terms, to see how trains with no staff to provide assistance running through unstaffed station cannot come under the heading of a “*provision, criterion or practice*” that discriminates. (Section 20 of the Equality Act 2010).

It is clearly not possible to obtain unbooked assisted travel to or from an unstaffed station unless there is some member of staff there to assist with the boarding or alighting.

Critically, it is Conductors who are in the front line in providing assisted boarding and alighting, including platform-train ramps where appropriate, at the majority of platforms which are not staffed. It is Conductors who are best placed to ensure that assistance is delivered effectively and in accordance with the law. A key risk area is availability of help in getting off the train.

During disruption and in the event of an emergency, Conductors can also deliver the railway’s duty of care to assisted passengers and other older and disabled people.”

Concern is repeatedly expressed about the prospect of running unstaffed trains to unstaffed stations:

“Services operating without staff to assist running through unstaffed stations will clearly be unable to provide the assistance that many older and disabled people need. This, in turn, will undermine the excellent reputation that many TOCs and Network Rail have built up in this area.

Staff visibility on the platform and the ability of on-train staff to hold departure at unstaffed stations to enable a disabled passenger to board or alight are vital for both access and safety reasons.

Before decisions are taken about routes and services on which further economies of staffing are envisaged, a full assessment of the likely impact on disabled and older travellers needs to be undertaken together with consideration of how legal and contractual obligations to provide assistance can continue to be met.”

According to anecdotal evidence from Network Rail, the split between booked and unbooked assistance at major stations is about 50/50. At most other stations around 75% of assistance is unbooked. Yet the ability of TOCs to provide ‘turn up and go’ travel varies significantly:

“There is a significant variation in levels of train and station staffing across the network, which affects the ability of operators to respond to short notice changes to assistance requirements, or to unbooked assistance. The company ethos of TOCs and attitudes of their workforce (including the scope and depth of training) may also have an impact on the ability of passengers to get unbooked assistance.

As noted earlier, where there are no staff to assist on trains calling at unstaffed stations, it is not possible to provide unbooked boarding and alighting assistance.

According to a recent ORR survey, only 9% of a sample of disabled people, and those assisting them, had heard of the Passenger Assist system. The huge majority of disabled rail travellers, and non-rail travellers, do not know that they can get assistance free of charge. It would seem likely that this suppresses demand to a significant degree.”

A policy of adequate staffing on stations is also vital to meet disabled people’s needs:

“Good design standards and regular monitoring of all access features is vital. It is essential for disabled and older people to be confident that the toilets will be working and that the lift will not be out of service or unavailable. They cannot afford to take a chance.”

“Vulnerability and a fear for one’s own safety increases with age and loss of agility. This means that older people are often put off by things that would not concern others such as poor lighting, no obvious security, an absence of staff. ..real or imagined safety in a public place is important.”

“It should be recognised that many Station Facility Owners are, in fact, tenants, not owners. This means that they have few incentives to improve station conditions.”

A uniformed staff presence at stations is essential for personal security:

“While stations and trains are generally safe environments, for many older and disabled people, a perception of risk for their personal security is a very real deterrent factor. Poor lighting, presence of undergrowth or other potential hiding places alongside platforms, the area around the station car park or bus stop area all affect the confidence people feel in travelling.

Automatic recordings or disembodied voices do not in any way provide the reassurance required by older people. Uniformed staff presence, backed by good lighting and CCTV and clear signage especially at interchange points are basic essentials along with audible and visual information.”

“There are also growing numbers of reports of hate crime against disabled people which is adding to many people’s concern for their personal safety.”

Disabled people are at particular risk in emergency situations occurring on trains or stations:

“It is very important that all plans and policies for dealing with emergency situations, including evacuation of stations or trains, deal specifically with how to communicate with and assist appropriately those passengers who cannot see, cannot hear, cannot understand what is happening or cannot move independently.”

The report makes observations on Government Policy and Legal Precedent among other External Factors:

The Department for Transport prefers an “outcome” based approach to a “compliance based” approach to their legal obligations under the Equality Act:

“DfT take the view that operators are clear on their legal obligations under the Equality Act 2010 and the PRM TSI. They feel that the Government should move away from a compliance based approach and focus instead on outcomes. They do recognise, however, that contracts must include a range of specific and measurable outputs as well as broader outcomes.”

The report notes concern that planned investments on accessibility could become “casualties of a broader Government cost cutting strategy”:

“The potential for a change in the political complexion of Government will always cause uncertainties for an industry with as high a public profile as rail. Investment and other priorities can change significantly.

While it is highly unlikely that any political party would explicitly decide to scrap or delay accessibility, it is always possible that some of the planned investments on accessibility could become casualties of a broader Government cost cutting strategy.”

Comments on legal precedent around equality of access match ABC’s own legal advice. The report states clearly: “it is highly likely that at some point relevant case law will be made” and “it is likely that case law will in future have an impact on accessibility”:

“There have been very few relevant cases brought against the rail industry (as a service provider) under the Equality Act 2010, or its predecessor the Disability Discrimination Act 1995. This means that there is very little case law, which could help the industry understand what is likely to be a ‘reasonable adjustment’ to prevent discrimination against disabled people. However, it is highly likely that at some point relevant case law will be made.

It is impossible to predict the effect of future legal decisions. However, it is likely that case law will in future have an impact on accessibility. The current legal challenge over the priority for wheelchair users to occupy the designated space on buses is a case in point.”

The report concludes with Summary Recommendations, which the Rail Delivery Group was to be responsible for taking forward:

“...although the main building blocks for delivering further improvements are in place, there is a risk that other economic and operational driving forces may reduce the benefit that, for example more accessible rolling stock and stations can bring.

[This report] sets out some key recommendations across a range of policy areas that could help to ensure that the spirit as well as the letter of the law is delivered. It is not an exhaustive list and it is hoped that the Report will provoke discussion across the industry and generate further ideas for change.

The Rail Delivery Group (RDG) will be responsible for taking forward many of the issues that this report and its recommendations deal with.”

The report's 'Summary Recommendations' include:

Advice about the Rail Delivery Group's role in communications around accessibility:

"ATOC is already active in providing a forum for industry discussion and initiatives in the field of accessibility. However, given the wide variation between TOCs in standards and approaches, there is scope for RDG to take a more proactive stance in working with all the TOCs both to raise standards and improve consistency in policies and practices."

"Continue to promote "Turn up and Go" assistance which is clearly what many disabled and older people would like to see to enable them to travel with greater flexibility and spontaneity."

Urgent advice to the Department for Transport on franchising in regards to accessibility:

"It is clear that the deadline of 1st January 2020 for full rolling stock accessibility compliance will not be met unless urgent steps are taken to tackle the in-built disincentive for TOCs to invest beyond the duration of their franchise.

DfT should consider urgently how to use the franchise process to incentivise long term capital investment focussed on system wide and external benefits."

Unambiguously worded advice about staffing:

"There should always be on-board staff available to assist passengers at unstaffed stations. These staff should have appropriate training in Rules and professional competence in this area.

Urgent consideration should be given to how current policies on staffing levels can be modified to ensure that greater progress towards accessibility is maintained."

"Re-examine station staffing policies to ensure that there is an acceptable means of delivering assistance to those who need it in accordance with legal and best practice requirements."

Criticism of the ORR as regards the monitoring and enforcement of Disabled People's Protection Policies:

"ORR is responsible for approving and monitoring implementation of DPPP's produced by the TOCs. This is welcome but there remain a number of DPPP's which do not meet the current guidance.

"ORR should continue to take a proactive role in ensuring the DPPP is of real value to disabled and older passengers...ORR needs to be adequately resourced to discharge this responsibility."

"There is currently a lack of consistency between and within TOCs on the extent to which legal and best practice requirements are implemented and delivered."

"There are many other operational areas in which auditing by ORR could help to raise standards and to keep them consistently higher."