

# Annex G - Consultation Response form

DPTAC – September 2012

## Part 1 - Information about you

Name	Philip Wilks
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Company Name or Organisation (if applicable)	Passenger Focus the operating name of the Passengers' Council
Please tick one box from the list below that best describes you /your company or organisation.	
<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input checked="" type="checkbox"/>	Representative Organisation ✓
<input type="checkbox"/>	Trade Union
<input type="checkbox"/>	Interest Group
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Other (please describe):
<p>If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:</p> <p>Passenger Focus is a statutory body established to represent the interests of rail users in Great Britain and of bus, coach and tram passengers in England, outside London. The Chairman and members are appointed in accordance with the provisions of the Railways Act 2005, as amended.</p>	

## PART 2 – Your comments

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### 1. Do you agree with the assumptions made in the Draft Impact assessment? Please explain your reasons, with supporting evidence:

We cannot comprehensively comment on operating costs, although it seems that a narrow view has been taken of overall costs. In some instances direct departmental costs may simply have been transferred onto other bodies, individuals and groups. It seems to us that £35k represents a low budget for running an effective Secretariat.

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### 2. Which option in your opinion, provides more flexibility over working arrangements and appointments? Please could you state your reasoning?

Of all, probably Option 5, the cross-government body and panel of experts, allows for the greatest flexibility; however, we question what is meant by 'flexibility' and whether it sacrifices the level of expertise required or dilutes transport needs. Is a societal view required in all, or even most, cases? In many cases a technical and practical response is required without regard to social issues as such.

No definition of 'expert' has been provided. Whichever outcome triumphs, it is vital that disabled people and their representatives are closely involved in the advice-provision process. 'Experts' in one area of disability may well have no ability to comment on other areas: e.g. the needs of a visually-impaired person who retains some limited vision are very different from those of an assistance dog user; one cannot comment for the other.

- **Consultation Option 1 - Rely on policy divisions within the Department to go out directly to stakeholder groups, the transport industry and experts:** We are not convinced that the full range of disabilities may be consulted or considered under this option in any case. It may be that matters will be dealt with by staff who fail to fully appreciate the implications of certain disabilities, for instance, which could have serious long-term disadvantages for disabled passengers. The transport industry's views may well differ from those of 'experts', especially where those experts are disabled themselves.
- **Consultation Option 2 - A wide-ranging panel of experts from which members could be drawn, on an ad hoc basis, when specific advice is needed:** seems too informal. Conflicting advice may result. In such cases it is unclear who will adjudicate between conflicting needs.

- **Consultation Option 3 - *Establish a stakeholder forum, which could be convened and provide advice as and when issues arose***: this has similar disadvantages to Option 1. It is unclear which 'stakeholders' will be involved and how 'stakeholders' differ from 'experts' mentioned elsewhere. Similarly, the status of this forum is unclear as is whether the full membership, and thus full representation, will always be available for consultation. The worry in seeking independent views from stakeholders is that distillation is necessary to achieve a workable compromise. If the necessary representatives are not available as and when issues arise it is possible that some areas will be overlooked or ignored. This is not in disabled passengers' interests.
- **Consultation Option 4 - *Rely on a cross-government body such as the Department of Work and Pensions existing (non-statutory) body Equality 2025***: it is not clear if Equality 2025 has either a level of expertise in transport matters or can be brought up to speed sufficiently quickly. It has not been specified whether the current membership can absorb this additional work or whether it will need to be widened. The impact assessment refers to possible use of 'consultants' – which will inevitably have a financial impact. We do not fully understand how 'consultants' differ from 'stakeholders' and 'experts' or whether the same individuals/organisations may be included within each category. However, in principle we can see the value in such a body taking a strategic view in relation to priorities for transport investment to benefit disabled passengers but consider the Department would also benefit from expert advice in relation to specific issues.
- **Consultation Option 5 - *Implement a combination of a cross-government body (Equality 2025) and a panel of experts***: partially discussed above. Should DPTAC be abolished it strikes us that this option offers the best alternative.
- **Consultation Option 6 – *DPTAC continues as a statutory body***: in a streamlined format, this is our overall preferred option. (Establishing a non-statutory specialist body, as described in Impact Assessment 6 would seem to undermine the benefits of the current arrangements and lead to potentially higher cost.)

We do not dismiss the contribution which 'experts', 'stakeholders' and 'consultants' can make. However, reliance on stakeholders alone may not produce optimum results. In any case the Department for Transport will have to adjudicate on the quality and appropriateness of such advice. Our concern in seeking advice from stakeholder bodies is that distillation will need to be undertaken to reach a satisfactory compromise to accommodate the spectrum of disability.

We remain convinced of the need for an independent body with sufficient expertise on transport matters to weigh the issues and reach a practical decision.

It is impossible to predict whether the advice from consultants would be any more reliable than from other sources. However, advice from such sources is likely to require payment of a significant fee. Significant consultancy costs may deter the Department from seeking informed advice; this would create a serious deterioration in addressing disabled passengers' interests.

A forum is necessary which harnesses expertise and knowledge and advises based on that experience. This body must have an over-arching concern with all forms of transport and interchange arrangements; it must command respect and have the means to make its views count. It should give full and timely independent advice on legislation and regulation and be able to take a strategic view on priorities and understand the impacts of different options on those with different disabilities and needs. Obtaining independent advice, albeit from experts in different fields, may fail to take the overall picture into account.

If DPTAC is to be abolished, it seems that Consultation Option 5 presents the most reasonable candidate to assume this work. However, the 'experts' joining the panel along with Equality 2025 will need to include those with technical expertise in the various modes of transport as well as members from representative organisations with a proven track record in transport matters. Advice on specific disabilities will also be needed. Sufficient resource must be provided to enable the forum to function adequately to cover both its existing functions and those which it will assume. We cannot overstate the importance of independent research to underpin discussions and inform any advice that is given.

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### **3. Which option in your opinion provides the most accountability to Ministers? Please could you state your reasoning?**

The impact assessment suggests its Policy Option 6 should provide accountability to Ministers, although we do not comprehend why this is deemed to be automatically so.

We feel that Ministers have been well served by advice from DPTAC in the past.

It seems to us that a permanent body of the most suitably qualified people will be the most accountable to Ministers. Of the consultation options suggested, perhaps № 5 will best provide accountability. We trust that Equality 2025 is already providing this through the formal status and constitution of the NDPB.

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**4. In your opinion how important is it that the option is able to provide advice that is representative of all disabilities and disabled groups? Please state your reasoning and provide examples of the implications on disability issues of advice not meeting your opinion:**

For the sake of equality, it is imperative that advice is representative of all disabilities and disability groups. Decisions will be discredited where this is not the case, as will the body which made them be discredited.

It is important that an independent body, with sufficient expertise to consider competing demands, is in place to take decisions which will affect millions of passengers over many years and which involves government expenditure.

Inevitably some compromise decisions will have to be made, but those decisions can be made only on the basis of the fullest and properly-informed advice.

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**5. In your opinion how important is it that the option is able to provide advice on technical matters? Please state your reasoning and provide examples of the implications on disability issues of advice not meeting your opinion:**

The widest range of advice is necessary on transport technical matters. An understanding of technical matters and the ability to comment informatively upon them is vital.

While some overlap inevitably applies between modes of transport, each mode has distinct characteristics which can affect different categories of passenger in different ways. Full appreciation of these details need to be immediately available when advice is sought. Passenger Focus, for instance, has taken an active part in a number of site visits involving disabled passengers 'testing' the usability of several major stations (Birmingham New Street, Crewe, Chester) prior to upgrading and improvement programmes to ensure that the needs of a wide range of disabled people were not overlooked.

The need for expert advice will doubtless also increase as technological advances are made. We are convinced that the advice-giving body must harness collective expertise and knowledge.

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**6. In your opinion how important is it that the option is able to provide cross government advice on transport disability issues, bringing together impacts on health, social care etc? Please state your reasoning and provide examples of the implications on disability issues of advice not meeting your opinion:**

More readily accessible transport is likely to have impacts on health and social welfare, and income levels among disabled people will also affect their ability to purchase travel which will also have consequences for employment opportunities. Expertise should be drawn from relevant areas: transport, social care etc. It does not seem to us that such advice must necessarily come from a single source – or that it is possible for it to come from a single source. Different areas of expertise should be called upon as necessary.

The Impact Assessment for policy option 3 acknowledges that the Department of Work and Pensions body (Equality 2025) may well have no expertise on technical matters and that consultancy costs may be incurred as a result were that choice implemented. We agree with that assessment. If this body is to provide strategic and practical advice, it will need technical support.

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**7. Do you agree with the benefits and costs presented in the Impact Assessment for each of the options?**

Yes – insofar as we can estimate costs. As to benefits, the assessment descriptions strike us as reasonable.

**Are there any other benefits, costs and risks that we need to consider? Please state your reasoning and provide supporting evidence:**

The risk of which we are most acutely aware is that of not obtaining full, accurate and timely advice.

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**8. Considering your responses to above, what in your opinion is the best option/combination of options? Please explain your reasons and add any additional comments you wish to make:**

We are not convinced that any individual option or combination of options will necessarily provide a level of advice and expertise which demonstrably equals or exceeds that currently available. Should DPTAC be abolished, however, it seems that Consultation Option 5 would represent the best alternative.

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**9. Are there any other options that we need to consider?**

No. The spread of options already made here covers a wide range.

**Please explain these in detail, including providing information on the benefits, costs and risk of the option. Please provide supporting evidence:**

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**10. Do you think that DPTAC should be abolished?**

No.

**Please state your reasons for your opinions:**

It seems clear that DPTAC in its current format is not a favoured option. However, a streamlined DPTAC has to be a compelling contender if Government wishes to retain the level of expertise in the accessible transport field from which it has hitherto benefited.

It strikes us as vital that knowledge and expertise should be available from a proven and trustworthy source. We remain convinced that such high-quality advice is most likely to be obtained from a suitably-funded body which can consider competing demands. Given the wide range of disabilities and conditions which need to be considered it is vital that an independent, experienced arbiter should advise.

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