

## Disability Equality Scheme 2010-11

**Spring 2010**





**DES 2010-11**

**The Disability Discrimination Act (DDA) 2005 requires public authorities to put in place a disability equality scheme. Through this scheme, organisations such as Passenger Focus must ensure they:**

- promote equality of opportunity between disabled and other people
- eliminate discrimination that is unlawful under the DDA
- eliminate harassment of disabled people that is related to their disability
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- take steps to meet disabled people's needs, even if this requires more favourable treatment.

### ***Doing the duty<sup>1</sup>***

The specific duties require authorities to involve disabled people who appear to them to have an interest in the way they carry out their functions in developing the scheme. This may include former, current and potential service users, staff and the wider community. It is important to consider the full diversity of disabled people – in terms of the type of impairment and barriers people experience, as well as other equality issues such as ethnicity, age, gender, sexual orientation and religion or belief.

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<sup>1</sup> Extract from *Doing the duty* – an overview of the Disability Equality Duty for the public sector; © Disability Rights Commission. Other extracts are cited throughout this document where appropriate.



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## **1. Introduction**

Passenger Focus, in line with its policy statement (see section 3) will comply with our duty under the DDA 2005 by adopting a proactive approach to issues of disability equality; in simple terms, this means asking ourselves the question: *how, in planning this or that, can we do it in such a way as to make it more meaningful for disabled people?*

This document sets out our approach in this respect; we have endeavoured to link both internal and external aspects of our disability and accessibility work to our corporate plan objectives and via the action plan linked these to the specific requirements of DDA 2005. Our intentions are all set out in sections 4 through 6.

In summary, we shall ensure that over the period covered by this scheme:

- our recruitment and employment policies do not deter or discriminate against disabled applicants
- our offices are accessible and our fire precaution arrangements take account of the needs of disabled people, and we will liaise with building owners to ensure wherever reasonable and practicable they meet the standards which we would apply to ourselves
- any venues for meetings are accessible and have amenities which can be used by people with impaired mobility
- our website is accessible and our publications are available in alternative formats, such as large print or on tape, on demand
- our research and policy development takes account of the needs of disabled rail passengers
- all papers provided to the Board, its committees or the management board provide for a commentary on disability equality, where appropriate
- wherever possible, external benchmarks are used to validate performance.

This scheme was originally endorsed by the Passenger Focus Board in December 2007, and revisions approved by Management Team in January / February 2010.

**NIGEL HOLDEN**  
**Finance Director**



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## **2. Legislation**

### **Legal framework**

The Disability Discrimination Act 1995

The Disability Discrimination Act 2005 (DDA 2005)

Statutory Codes of conduct issued by the Disability Rights Commission

### **Disability Equality Duty**

The DDA 2005 came into force on 4 December 2006. It places on all public authorities a general “Disability Equality Duty” which requires the authorities when carrying out their functions to have due regard to do the following:

- promote equality of opportunity between disabled and other people
- eliminate discrimination that is unlawful under the DDA
- eliminate harassment of disabled people that is related to their disability
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- take steps to meet disabled people’s needs, even if this requires more favourable treatment
- *due regard means that authorities should give due weight to the need to promote disability equality in proportion to its relevance.*

### **New legislation**

The new Equality Bill will combine all nine pieces of equality legislation into a single act. Its main aim is to ban any type of discrimination within the workplace. This includes but is not limited to race, disability, gender, gender reassignment, age, sexual orientation, religion and belief. It also asks public authorities to use their purchasing power within the private sector to encourage and promote a socioeconomic duty within the private sector. It is expected to receive Royal Assent in Spring 2010.

A decision on whether to include this scheme as part of a single equality scheme will be made during 2010.



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### **3. Definitions**

#### **Disabled person**

A person has a disability if he or she has a physical or mental impairment, which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. An impairment is to be taken to affect the ability of the person concerned to carry out normal day-to-day activities only if it affects one of the following:

- manual dexterity
- physical co-ordination
- continence
- ability to lift, carry or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand, or
- perception of the risk of physical danger.

Anyone who has HIV infection, cancer or multiple sclerosis is automatically treated as disabled under the Act, as is anyone who has a progressive condition from the moment that condition is diagnosed. Note that certain conditions do not amount to impairments under the Act, for example alcohol / drug dependency, seasonal allergies, or exhibitionism.



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#### **4. Policy statement**

Passenger Focus is committed to representing *all* rail passengers, ensuring they are treated fairly and not subjected to unfair or unlawful, discrimination, either directly or indirectly.

Internally, we aim to ensure that we not only observe the relevant legislation but also make whatever reasonable adjustments as are within our gift to provide genuine equality of treatment for our staff and stakeholders.

We value the wealth of knowledge and experience concerning disability equality which exists within the community in which we operate and aspire to reflect this in our day to day operations. Where we can, in planning our activities, we will do so in such a way as to make them more meaningful for disabled people.

Where, through our advocacy, we seek to improve equality for all in the various aspects of railway travel, so too do we aim to ensure that internally we are, and are seen to be, an exemplar of good practice.

It is the Board's policy that this scheme, together with its action plan, is updated each year to provide a coherent read across with the annual business plan, and that progress is set out in the annual report.

**COLIN FOXALL CBE**  
Chairman

**ANTHONY SMITH**  
Chief Executive



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## 5. The involvement of disabled people

### The involvement of disabled people

*Corporate plan measures:*

- improve access to services for passengers with particular needs.

*Where we are now*

Passenger Focus places accessibility at the heart of its advocacy, so it is no surprise to note that engagement with disabled people features significantly in its work plan.

- Passenger Focus has been lobbying Network Rail and other stakeholders to improve the access to Alton station in Hampshire. The town has a high population of people with disabilities who use the station. We are pleased that Network Rail has carried out improvements at the station to allow step-free access to the second platform at the station at all times.
- We regularly engaged with an ever-growing number of disability organisations during 2009. We involved them in research plans where appropriate and have built good links with these stakeholders. During 2010 we will be building on these links by undertaking joint research into the APRS (Assisted Passenger Reservation System) performance on rail and looking at the Accessibility of bus services in England and Wales.

*Disabled People's Protection Policies (DPPPs)*

Every licensed operator, including Network Rail, must have a DPPP in place before its licence can be granted. The Statement of Policy, as a minimum, must be available to the public, together with a customer-facing easier-to-comprehend version within three months of the full document's approval. Each DPPP must address how the company will provide assistance for passengers with disabilities and the arrangements in place to achieve this. It must also set out the company's plans for enhancement to trains and rolling stock, where appropriate. The draft of the full document must be submitted to Passenger Focus for consideration and comment before Department for Transport (DfT) approval.

Passenger Focus is required to evaluate the annual revision of each DPPP prior to DfT approval. Not all companies, however, observe this yearly requirement, which is a matter we are pursuing with DfT.

Passenger Focus's input has engendered a number of useful amendments to DPPPs – some major amendments and even complete rewrites have resulted.





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### *Doing the duty*

“At the heart of the Disability Equality Duty is the requirement to involve disabled people in producing the Disability Equality Scheme including the Action Plan. This has to happen at the very outset and many public authorities will have little experience of involving disabled people so this is the place to start.....In order to make sure that the involvement of disabled people is really effective and to avoid involvement fatigue, public authorities should ensure that the involvement is focused and efficient, influential and transparent. Those people who have been involved and others who are interested need to know what effect the involvement had but also areas where it was less influential, and why.”

### *Our consultation process*

We concentrated on a one-off approach, but over time we plan to develop our expertise in this field. We have organised three one-day conferences for 3 groups of 6 physically, visually and hearing disabled passengers recruited through and paid by a third party agency of a type we often use for focus group purposes.

The primary purpose of the events was to engage with disabled people on the provisions of this scheme. Other accessibility issues, in particular the extensive work currently being undertaken by Passenger Link Managers in respect of accessibility issues, featured too.

We plan to arrange similar events this year to ensure that we are up to date with recent legislation, processes and accessibility issues.



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## 6. Situation mapping, gap analysis and action plan

### Situation mapping, gap analysis and action plan

*Corporate plan measures:*

- tackle examples of poor passenger service
- boost Passenger Focus's capacity and capability to get the best deal for passengers.

Along with focusing on passenger experiences of rail and bus travel, we also ensure that our internal environment reflects the message of improved accessibility and awareness that we encourage the outside world to practice.

In our Annual Report, we committed to:

- staff awareness training
- continue to promote awareness of Disability and Equality across the organisation.

More information on our internal work is detailed below:

*Where we are now*

Passenger Focus, as we have seen in section one, commits part of its time and resources to the needs of disabled people in terms of their access to the railway. The overall policy programme is structured to provide information, identify gaps, and campaign for improvements.

Our accessibility programme is one of seven key themes to which Passenger Focus commits significant resources within its annual business plan. Supporting projects and activities are considered as part of our business planning process.

As this scheme, however, is to a large extent a matter of compliance, this programme has been reworked in a DES format.

Whatever the advantages of joined-up working, and these are substantial, **our accessibility programme exists in its own right.**

We have chosen to link the mapping and analysis with our **action plan**, where it is possible to see these links at a glance. This is structured as follows:

- recruitment, retention, training and development
- operations
- developing the evidence base.



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*Doing the duty*

“All authorities subject to the specific duties must set out in its disability scheme its arrangements for gathering information in relation to recruitment, development and retention of disabled employees; and it must put these arrangements into practice.

Also, authorities must look at the extent to which the services they provide and the other functions take account of the needs of disabled people.”

*Gap analysis*

Gap analysis has been conducted to identify the present state, the desired or `target' state and hence the gap between them. This in turn produces actions and deadlines.

*Recruitment, retention, training and development*

<b>Desired situation</b>	<b>Current situation</b>	<b>Proposed action</b>	<b>Evidence of achievement</b>	<b>Target date</b>	<b>Owner</b>
Equality and diversity policies are used to promote good practice within Passenger Focus	The need to update certain policies in the staff handbook means that the process needs to be done on an ongoing basis in accordance with relevant changes in legislation and accessibility issues	1. Review and update equality / diversity sections of staff handbook	Publish, implement, promote, audit	Ongoing	NH/SK
Staff and Board are fully trained in DDA, equality and diversity issues and demonstrate their knowledge and commitment in their work	Certain staff have attended training sessions but more training needs to be arranged across the whole organisation	2. Training in the provisions of the DDA2005 during May 2010 to September 2010	Included in training plan; successfully delivered and + feedback	September 2010	NH / JCa



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Operations

Desired situation	Current situation	Proposed action	Evidence of achievement	Target date	Owner
The Passenger Focus website is accessible, along recognised lines, to those who are visually impaired	The website is RNIB <i>See it right</i> accredited. This happy situation should be maintained	3.(a) Ensure website remains accessible  (b) consider better ways of promoting publications	(a) Maintain RNIB <i>See it right</i> accreditation	Ongoing	Comms
All events organised by Passenger Focus are fully accessible, and promoted as so being	Generally, Passenger Focus has a good record in this respect. A short set of guidelines however would be seen as good practice on a risk basis	4.Ensure all events are fully accessible and that joining instructions are clear and user friendly	Issue guidelines for organising events and conferences  Ensure the guidelines are accessible and easy to find for event organisers	March 2008 <b>complete</b>	JCa
All Passenger Focus premises are access and escape compliant, and local staff are adequately trained	Offices are compliant as feasible (where the landlord provides shared services). Passenger Focus provides evacuation chairs from its offices. Designated staff members have undertaken evacuation chair training	5.Ensure all offices are access compliant, including escape, when relocating	Regular reviews.	November 2009 <b>complete</b>	EC

Desired situation	Current situation	Proposed action	Evidence of achievement	Target date	Owner
A dedicated group of staff meet regularly together to discuss equality issues both internal and external	Most meetings are bilateral and ad hoc but cater to the needs of the DES scheme	6.Ensure all equality and accessibility issues are considered coherently and regularly	Focus group created to discuss issues and oversee DES Action Matrix	Ongoing	SK
Passenger Focus passenger facing telephone handling is fully accessible	Limited facilities exist to cater for those who are deaf or hard or hearing, or have other language or learning difficulties	7. A feasibility study to be carried out into textphone facilities with recommendations	Feasibility study completed and recommendations implemented	March 2010	GW



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*Developing the evidence base Note: this section may be regarded as supporting the gaps identified above*

<b>Desired situation</b>	<b>Current situation</b>	<b>Proposed action</b>	<b>Evidence of achievement</b>	<b>Target date</b>	<b>Owner</b>
Passenger Focus has a contained but useful mechanism for involving disabled passengers in its work	No such mechanism currently exists	8.RT develop a database which contains contact details of passengers with accessibility needs so can contact them to take part in research projects	Database live and active and used for research basis	March 2010	<b>Head of Research</b>

*Policy, research, advocacy and campaigning*

<b>Desired situation</b>	<b>Current situation</b>	<b>Proposed action</b>	<b>Evidence of achievement</b>	<b>Target date</b>	<b>Owner</b>
An overall strategy with clear objectives governs the entire accessibility programme	Corporate Plan 2009-12 sets out that we will "work to improve access for passengers with particular needs"	9 (a) Develop overall accessibility strategy  (b) Board regularly debates strategy, objectives and activities	(a) Secure MT and Board approval and publish  (b) develop policy statement for including disability equality in all research undertaken	April 2010	<b>JP/IW</b>
There is a clear picture of accessibility 'reality' on today's rail network compared with what the industry promotes	The mystery shopping exercise has identified major issues in respect of the reality of rail travel. The research however was specific to Southern England. Station audits at Crewe and Chester have helped to encourage joined up working between Passenger Focus, local authorities and service providers	10 (a) Build a clear picture of accessibility issues on today's railway by involving disabled persons in this research  (b) enhance the internal reporting of National Passenger Survey results as they relate to disabled people	Scope and commission mystery shopping II for north of England, Wales and Scotland  Research extracted and used in action 2 above	March 2010	<b>JP/IW</b>



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<b>Desired situation</b>	<b>Current situation</b>	<b>Proposed action</b>	<b>Evidence of achievement</b>	<b>Target date</b>	<b>Owner</b>
Complaints to Passenger Focus on accessibility issues are regularly reviewed by all appropriate staff	Quarterly complaints feedback report produced and section on accessibility included	11. Quarterly feedback report on accessibility produced and circulated to PLT	Reports produced and PLT read reports	Ongoing	GW

Passenger Focus works with the DfT and TOCs to ensure the DPPP regime meets the needs of disabled people, both systemically and on a TOC by TOC basis	There is compelling evidence of the extent of this work. It would benefit by being more regularly reviewed by the group described above	12. DPPPs discussed at DEFG. See section 7	Understanding demonstrated across the organisation	March 2010	DEFG/PLMs
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## 7. Review and continuing performance improvement

### Review and continuing performance improvement

#### *Corporate Plan measures*

- research programme established and accepted by stakeholders
- research to measure passenger satisfaction and priorities for change is trialled and established
- asking service providers how helpful Passenger Focus has been in helping them to understand, prioritise and act on passenger experiences and needs
- being visible, accessible and understood as the voice of passengers
- enabling and enhancing the capacity and capability of passenger focus to get the best deal for passengers
- our corporate governance enables effective scrutiny and accountability for expenditure and performance.

#### *Where we are now*

Passenger Focus regularly reviews business performance against targets. This review takes several forms:

- informal team planning and review meetings
- monthly management board meetings
- monthly Board meetings – held in public every quarter
- bi annual business plan reviews
- oversight by the Department for Transport (DfT)
- periodic business activity risk-based audit by DfT Audit and Risk Assurance.

The Management Board will undertake training on Equality Impact Assessments to ensure project managers carry out Equality Impact Screening to assess and record the likely and actual impact of a current or proposed policy, project, strategy on equality considerations.

#### *Doing the duty*

“One of the key ways of embedding disability equality into the policies and activities of a public authority is to systematically undertake disability equality impact assessments. Public authorities have to set out how they will do this within the Disability Equality Scheme.”



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*What we continue to do*

In accordance with our action plan we have established a Disability Equality Focus Group (DEFG).

The primary purpose of the group is to bring together in one place all the activity, data and issues needed to develop and maintain the Disability Equality Scheme; to achieve this it must ensure there is a clear cross-reference between the work Passenger Focus does internally and its external policy and advocacy work.

*Those involved in DEFG for 2009-12 are:*

Shivani Kaushik	Corporate Services Executive
Jocelyn Pearson	Passenger Link Manager
Phil Wilks	Senior Policy Officer
Sultana Idris	Senior Researcher
Syra Syeda	Development Co-ordinator

*Board level sponsorship to be confirmed.*

*The management team sponsor is:*

Ashwin Kumar