

# Transport Committee Inquiry

## Accessible transport: legal obligations

### Submission from Transport Focus

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#### 1. Introduction

1.1 Transport Focus is an independent, statutory consumer watchdog promoting the interests of transport users. Our remit covers rail across Great Britain, bus, coach and tram in England (excluding London) and users of the Strategic Road Network in England. Working with transport providers and Governments across England, Scotland and Wales we ensure that the users voice is heard.

1.2 Transport Focus acknowledges the improvements made in making public transport more accessible. There has been investment in step-free infrastructure, in bus and train design and in improving information. However, parts of the public transport network still remain inaccessible to some people – or those people believe it to be so. Even where it is technically accessible, potential passengers may not be able to obtain sufficient details to assure them that the journey is possible or have the confidence to try.

1.3 People with disabilities travel less compared with people without disabilities<sup>1</sup>. This can impact on disabled peoples' access to employment as well as limiting the ability to go to places that they would like to visit<sup>2</sup>. Our research also shows that those that do travel can experience lower levels of satisfaction with some aspects of their journey than non-disabled passengers<sup>3</sup>. On rail, satisfaction with personal security and helpfulness/attitude of staff is lower for disabled passengers, while on bus it is satisfaction with punctuality, frequency and information during the journey that is lower. Better accessibility benefits all passengers, but it also opens new markets and income. In 2014/15 the Department for Work and Pensions estimated that disabled people and their families in the UK had an aggregate annual household income of £249 billion<sup>4</sup>. The campaign group Purple estimates that the transport sector loses up to £42million each month through not being accessible<sup>5</sup>.

1.4 This submission summarises Transport Focus's research in this area, the type of issues experienced by disabled passengers and their aspirations for the future.

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<sup>1</sup> [Disabled people's travel behaviour and attitudes to travel](#). DfT.

<sup>2</sup> [Accessible transport: unlocking a better normal](#). Transport Focus. July 2021

<sup>3</sup> [Rail User Weekly Survey](#), [Bus User Weekly Survey](#). Transport Focus

<sup>4</sup> [The spending power of disabled people and their families in 2014/15](#).

<sup>5</sup> <https://wearepurple.org.uk/the-purple-pound-infographic/>

## 2. Rail

2.1 There is no shortage of regulation when it comes to rail. This ranges from general legislation (such as the Equality Act 2010) to specific, more technical, rail regulation (e.g. Rail Vehicle Accessibility Regulations 2010 and Railways Interoperability Regulations 2011). There is also a raft of technical design standards (e.g. Persons with Reduced Mobility National Technical Specification). All train operators must also publish and follow an Accessible Travel Policy (ATP) setting out how they will protect the interests of disabled passengers and the arrangements that operators will provide to facilitate travel. These are approved and monitored by the Office of Rail and Road. On top of all this are government initiatives such as the Inclusive Transport Strategy (2018) and the Access for All programme.

2.2 These have helped improve accessibility – for example, Access for All funding has helped ensure that more stations are step-free while ATPs have over time reduced the amount of notice required for booked passenger assistance (it is currently at 2 hours ahead of departure, down from 24 hours). A small number of operators, such as Merseyrail, go further by offering a “turn up and go” service removing the need for booking.

2.3 However, and in common with much of the railway, from a passenger perspective delivery has sometimes felt a little fragmented and uncoordinated, with different bodies in charge of different things. To this end we welcomed the emphasis in the Plan for Rail on creating a new body, Great British Railways (GBR), which will act as a single guiding mind for the railway<sup>6</sup>. We particularly welcomed the suggestion that GBR will be given a statutory duty to improve accessibility, building on the existing work of ORR, and that it will produce a robust national accessibility strategy and long-term investment programme. Under the Plan for Rail Transport Focus will also have an enhanced role in securing improvements to accessibility.

2.4 We think that a single strategy will be beneficial. It will help translate a series of regulations into an action plan, setting priorities, funding and timelines, and providing consistency and continuity across the country. Consolidating various funding sources into one ‘pot’ could also help to coordinate these activities. A single strategy should also provide a point of accountability for delivery, which ORR and Transport Focus can then monitor and review.

2.5 This should help identify and address the physical barriers to travelling by train – for example in setting out a programme of work to provide step-free access to stations, and in tackling the platform-train interface (stepping gap from train to platform). There have been some positive examples in recent years – for example, Greater Anglia’s new rolling stock has a retractable step to bridge the gap between train and platform at more than two thirds of its stations. However, GBR and the

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<sup>6</sup> [Great British Railways: Williams Shapps plan for rail](#). DfT. 2021

National Strategy could bring more consistency into this process and help ensure that the lessons learnt in one area are applied in another.

2.6 We believe one key aspect of this would be in helping embed a culture of engagement with disabled people in the design process. Transport Focus worked with Merseytravel to gather passenger input throughout the entire design process of its new rolling stock<sup>7</sup>. The result is a train that better meets the needs of those who will use it. We believe it is imperative that those with a lived experience of disability are involved in the design of services and facilities.

2.7 A single guiding mind should also make it easier to address many of the more perceptual barriers to travel<sup>8</sup>. Many disabled passengers report a lack of confidence when planning and making a journey by rail. This can include:

- Planning.  
Journeys are often planned meticulously to avoid problems with station accessibility, availability of toilets, timing of medication. This requires websites that are easily navigable, provide clear information and use language that is easily understood; and trusted information on what facilities are available which is updated in real-time.
- Awareness and provision of assistance.  
For some disabled passengers boarding a train is not possible without some form of assistance. Passengers have the right to turn up and ask for assistance on the day but at some stations this can result in a longer wait while help arrives. Passengers can also book assistance in advance, using the 'Passenger Assist' service. This service has been available for some time, but awareness is still low<sup>9</sup>.

Transport Focus's research found that some disabled passengers doubted their entitlement to use Passenger Assist<sup>10</sup>. Some people with non-visible disabilities seemed reluctant to use assistance because they felt unjustified in doing so. Others felt guilty about using assistance services, believing that resources should be reserved for 'more deserving' cases. The railway must promote awareness of (and eligibility for) Passenger Assist, especially to those who do not feel entitled to use it. A one-stop shop whereby people can book assistance and tickets at the same time should also help to increase confidence.

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<sup>7</sup> [New trains for the Merseyrail Network – What passengers want](#). Transport Focus. February 2021

<sup>8</sup> [Disabled rail passengers research](#). Transport Focus. 2019

<sup>9</sup> [Research into passenger awareness of assisted travel services](#). ORR. 2017

<sup>10</sup> [Disabled rail passengers research](#). Transport Focus. 2019

The ORR research shows there is also much room for improvement when it comes to passengers' confidence in the system – in ORR's 2021-22 research 28 percent of passengers did not feel confident that all elements of the assistance they booked would be delivered on the day.

- Staff availability, training and culture.  
In much of our research there is a consistent message coming through about staff: passengers like and value having staff around<sup>11</sup>. The railway is considering how it organises ticket office staff, but it will be important that any changes to staff deployment reflect the needs of disabled passengers. We are mindful of the Disabled Persons Transport Advisory Committee (DPTAC) statement that the 'toxic combination' of driver-only operated trains and unstaffed stations can result in a service that fails to meet the needs of many disabled passengers. An absence of staff to provide assistance could act as a barrier to many disabled passengers.

A single guiding mind can also help ensure a more consistent approach to staff training and culture. The key to this will be in embedding a culture of 'how can we help' rather than 'are we compliant with the regulations'. One area that does need to be addressed here is consistency between modes. We have seen complaints about journeys that involve a tube connection between national rail stations in London – for example a journey from Sheffield to the South west which involves a connection from Kings Cross to Paddington. Even though it is a 'through journey' in rail terms the Passenger Assist offer between London Underground staff and national rail staff can differ (e.g. with London Underground staff not usually providing help with luggage). This can create an unexpected barrier for some disabled passengers.

- Awareness – among staff and passengers.  
There needs to be a continued emphasis on improving awareness of disability, especially non-visible disabilities. For example, priority seating is important for many passengers – those with mobility impairments may not be able to stand up for any length of time, while some passengers with anxiety conditions require a seat to keep calm. We have seen reports of some disabled passengers facing a hostile response when asking other people to give up the seat – especially when the individual has a non-visible disability. Labelling on (or near) the seats that reminds people that not all disabilities are visible will help.

The ORR research on Passenger Assist mentioned earlier found a high level of satisfaction with the service. However, passengers with 'learning or

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<sup>11</sup> [Passenger attitudes towards rail staff](#). Transport Focus. 2016

concentrating' issues were least satisfied with how well staff assisting them understood their particular needs.

- **Monitoring and continuous improvement.**  
A single guiding mind should also make it easier to implement consistent mechanisms for monitoring delivery, in learning from mistakes and in disseminating best practice. Having mechanisms in place to review what works and what does not, and – as important - having people responsible for doing this, will help build a culture of continuous improvement.

This could include auditing Passenger Assist bookings and following up any failures, and specifically analysing complaints with an accessibility theme to understand what went wrong. Proactively asking people who have used Passenger Assist how it went will not only provide valuable information but it could also help build confidence in the service. People who may have experienced a problem would get the sense of reassurance that someone cares and is listening. Relying on people to make a complaint would not provide the same benefits.

A guiding mind should also promote the need for continuous improvement when it comes to vehicle and station design. Too often we hear “we’re compliant with the regulations” without any additional thought being given to what would make the experience better for disabled passengers. As a practical example, the current rolling stock regulations require trains with automated visual information to be able to “suppress or correct incorrect or misleading information”<sup>12</sup>. So, if an operator cancels a stop it should be possible to show that cancellation onboard or tell passengers the information showing is incorrect. The reality in some cases means that the visual customer information is switched off (suppressed) or left showing incorrectly. There might be an audible announcement from a member of staff, but that isn’t effective for a passenger with a hearing impairment or someone wearing headphones. Technically, turning off the information would ensure compliance, but at the same time the experience of all passengers on-board wanting to go to the remaining stops is diminished. There needs to be a greater desire from the industry to think about what would provide the best experience for passengers, rather than just how it can be compliant with the regulations.

### **3. Bus and coach**

3.1 The bus sector is also covered by a mixture of general legislation (such as the Equalities Act) and more specific technical legislation (such as the Public Services

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<sup>12</sup> [National Technical Specifications Notice: Persons with Reduced Mobility \(PRM\)](#). DfT. 2021

Vehicle Accessibility Regulations - PSVAR- 2000). DfT has also produced guidance that sets out bus passengers rights<sup>13</sup>.

3.2 As with rail, there have been improvements for passengers. The vast majority of the bus fleet is now compliant with the PSVAR regulations, meaning that they provide priority seating, handholds and wheelchair space. However, the regulation was also supposed to apply to some coach services used for home to school and rail replacement services from 2020, but there have been a series of derogations since. To that end we welcome the planned review of PSVAR regulations and believe this will help ensure that they are fit for purpose going forward.

3.3 When looking at regulations it is also important to look at how they are to be applied and implemented and the level of training available for staff in doing so. For example, the regulations ensured that a wheelchair space was to be provided on buses but did not specify who had priority use of that space and whether the bus company had the power to compel people to vacate it. The issue ultimately ended up in the Supreme Court<sup>14</sup>. Moreover, the final judgement put a lot of responsibility on drivers to determine whether a request to vacate the space was reasonable. If drivers are to be given such responsibility it is essential that they are given the support and training needed to implement it.

3.4 We welcome the decision to make the provision of audible and visible information a requirement onboard local services across Great Britain<sup>15</sup>. This would require operators to give passengers information on the route/direction of the bus, the next stop and information on diversions. Before Covid Transport Focus carried out the Bus Passenger Survey (BPS)<sup>16</sup>. This was an annual survey of bus users (around 50,000 people) in England (excluding London). This found higher levels of passenger satisfaction on services where there were audio visual announcements – not just in terms of satisfaction with information (as might be expected) but also with overall journey satisfaction. So providing audio visual equipment can increase passenger satisfaction across the board.

3.5 The structure of the bus sector makes it harder to apply the ‘guiding mind’ concept as set out above for rail. Much on bus is delivered at local level by local authorities and bus companies. The Integrated Transport Strategy and the National Disability Strategy provide a high-level strategic framework through which some initiatives can be developed. And more recently the national bus strategy<sup>17</sup> also provided a vision for bus services.

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<sup>13</sup> [Rights of disabled passengers on transport](#). Dft

<sup>14</sup> [FirstGroup Plc \(Respondent\) v Paulley \(Appellant\)](#). Supreme Court. 2017

<sup>15</sup> <https://www.gov.uk/government/news/audio-and-visual-funding-for-buses-will-make-journeys-accessible-for-all>

<sup>16</sup> [Bus Passenger Survey](#). Transport Focus.

<sup>17</sup> [Bus back better](#). DfT. 2021

3.6 The Bus Back Better strategy offers a mechanism (and funding) for bus companies and local authorities to work together in specifying and delivering services for passengers, with some areas implementing specific Bus Service Improvement Plans (BSIP). Transport Focus believes it is essential that BSIPs reflect the priorities and aspirations of passengers. To that end we produced a series of guides and toolkits looking at the importance of passenger representation and passenger centric targets in BSIPs<sup>18</sup>. The BSIP mechanism also provides a way of ensuring engagement with passengers (through consultation) and accountability (through the provision of performance reports). In areas not covered by BSIPs it can be harder to achieve synergies between local authorities and operators.

3.7 The bus driver has a huge impact on passengers' travel experience, especially disabled passengers. In 2015 we set out to investigate how bus drivers are trained and equipped to take on this wider customer service role. The report identified the importance of:

- recruiting people with the right attitude' – i.e. recruit for attitude then train to drive rather than vice versa.
- providing ongoing support and training on customer service. This would include regular training on accessibility issues.
- management listening to bus drivers concerns.

## **4. Strategic Road Network**

4.1 Transport Focus's Strategic Roads User Survey (SRUS) measures user satisfaction for those driving on England's motorways and major 'A' roads; the roads managed by National Highways on behalf of the Government<sup>19</sup>. As with bus and rail passengers, disabled road users tend to be a little less satisfied overall than non-disabled users. The main gaps are in relation to 'feeling safe' and providing information on signs.

4.2 The top three priorities for improvement among all road users, including those with a disability, are: 'improved quality of road surfaces', 'safe design and upkeep of roads', and better management of roadworks<sup>20</sup>. It was noticeable that disabled road users gave a higher level of importance to the behaviour of other drivers, better lighting, better roadside facilities and better maintenance of signs.

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<sup>18</sup> [Transport Focus guidance on Bus Service Improvement Plans](#). Transport Focus. 2021

<sup>19</sup> [Strategic Road User Survey](#). Transport Focus

<sup>20</sup> [Road users' priorities for improvement](#). Transport Focus. August 2021

4.3 In 2018 we looked at the barriers disabled people encounter when travelling on the strategic road network<sup>21</sup>. As with rail, road journeys often need to be meticulously planned, working out where it is suitable to stop and rest or take medication – which again means having easy access to that information in advance. Getting stuck in a traffic jam or breaking down (and the fear of doing so) were causes of anxiety, not least in knowing how to get help. The accessibility of roadside facilities were also an issue, especially with toilets and changing facilities, and in refuelling.

4.4 Since then, National Highways Roads for All Forum has taken steps to address the recommendations we made. These centred on improving information about motorway and major 'A' road facilities and the assistance available to road users should they encounter difficulties<sup>22</sup>. This will enable road users to plan their journeys better and travel with confidence. We also recommended that regular reviews be undertaken of facilities specifically for disabled people to ensure they are adequate and available to use.

4.5 It will be important that moves to EV charging take into account disabled motorists – e.g. in the design, location and operation of charging points.

## **Transport Focus March 2023**

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<sup>21</sup> [An accessible road network? Disabled user experience on England's motorways and major 'A' roads.](#) Transport Focus. November 2018.

<sup>22</sup> [A more accessible road network?](#) Transport Focus. 2021