

Transport Committee

Oral evidence: [Accessible transport: legal obligations](#), HC 82

Wednesday 13 December 2023

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Members present: Iain Stewart (Chair); Jack Brereton; Sara Britcliffe; Fabian Hamilton; Paul Howell; Karl McCartney; Grahame Morris; Gavin Newlands; Mick Whitley.

Questions 142–207

Witnesses

[II](#): Huw Merriman MP, Minister for Rail, Department for Transport; Anthony Browne MP, Parliamentary Under-Secretary of State, Department for Transport; Guy Opperman MP, Parliamentary Under-Secretary of State, Department for Transport; and Liz Wilson, Deputy Director for Accessible and Inclusive Travel, Department for Transport.

Written evidence from witnesses:

- [Department for Transport](#)

Examination of witnesses

Witnesses: Huw Merriman MP, Anthony Browne MP, Guy Opperman MP and Liz Wilson.

Q142 **Chair:** Welcome to our second panel. Usually at this stage of the proceedings, we have a Minister to join us, but we have a richness of Ministers. I'm not sure what the collective term for Ministers is.

Guy Opperman: I think you will get a very mixed answer to that question.

Q143 **Chair:** For the purposes of our records, could I invite you all to state your name and position, please?

Liz Wilson: My name is Liz Wilson. I am the deputy director at the Department for Transport with responsibility for accessibility and inclusive travel.

Guy Opperman: My name is Guy Opperman. I am the Member of Parliament for Hexham. I am a Minister at the Department for Transport. I look after roads, buses and active travel. I am the accessibility lead in the Department.

Huw Merriman: Good morning, Chair. I am Huw Merriman. I am the Minister for Rail and HS2.

Anthony Browne: I am Anthony Browne. I am the Minister for Aviation, Decarbonisation of Transport and Technology.

Q144 **Chair:** Thank you. We are grateful for your time this morning. Guy, perhaps I could start with you, given that you have, as you say, lead responsibility in the Department for these issues. You are relatively new in position, which gives you an opportunity to look at the issues with fresh eyes. What would you say is working well in terms of accessibility? Where is there room for improvement?

Guy Opperman: It is a pleasure to do this job. I asked to do this job. I took a demotion from Minister of State to Parliamentary Under-Secretary to do it. I welcome the inquiry because I think it is needed and it is appropriate. I welcome the exam question you just posed to the EHRC because I think it is the right exam question. As the lead departmental Minister, I began a process on day 30 of this particular job to try to assess where we are and have a look at the overview. To be fair, the Secretary of State provides very strong leadership in this particular space. I will come on to that in detail.

I come from a personal standpoint. My mother is disabled and requires a wheelchair. I do not fully understand the implications of what accessibility is for all the people from whom you have heard in evidence, but I have a degree of comprehension because of that. I also have a 20-year legal career challenging public authorities, and sometimes representing them.



HOUSE OF COMMONS

My last client when I was a barrister was Ed Balls, but obviously I spent most of my time as a human rights lawyer and a public law lawyer, challenging public authorities on accessibility and things like that.

My take is that we are doing well but could do significantly better. There is much that we can change going forward. The Department has individual areas where it is making real progress, but there is a danger in every Department in every bit of Government of being in a silo, and the other bit of its not being an all-pervasive attitude in that Department. That is my very preliminary, 30-day, assessment. That is not a criticism of individual civil servants, Ministers and previous portfolio holders. It is merely asking how we make accessibility and the rights of the disabled something that is fundamental to the whole delivery of the Department. That is what we need to try to do.

Q145 Chair: Thank you. In the course of this inquiry, we have heard individual bits of evidence from witnesses. We have also conducted a survey, where members of the public shared their experiences with us. The position is not good. Nearly 90% of people who responded told us that they have challenges. Particularly alarming evidence is that since the pandemic things are getting worse and not better. What areas are you going to focus on initially to try to remedy that situation?

Guy Opperman: My take is that you are right. It is not for me to assess the individual Department, but the evidence that I have read, particularly the first session on 23 June, was pretty overwhelming. Covid had a negative impact in a whole form of ways, and we need to make up for that.

I wrote down three words: attitude, integration and ownership. Attitude is ensuring that all providers, not just the Department, have a "can do" proactive attitude. That would be a massive step forward. It really would. I looked at the evidence of Stephen Anderson and Christiane Link and what they said towards the end of your first session, which I read twice. It was overwhelming that attitude changes across the board are a positive thing. That does not require legislation; it requires a mindset.

The second thing is integration. I can only speak for my piece, but it is ensuring, from how you design a housing estate to how you drive forward transport infrastructure, that all aspects are considered. That includes active travel and accessibility. Those must not be things that are added on at the end or considered at the last minute. Integration of services, as provided by the state in all its shapes and forms, is surely key. Again, that is a ministerial direction.

The final bit is ownership. It is not for me to comment on previous regulators or people who have given evidence here. That is for you to comment on. Owning the problem is the most important thing. Sticking your hand up and saying, "This is in my wheelhouse and I own this problem," is utterly key in all aspects of government and regulatory process.



Q146 Chair: Thank you. This is the final question from me for the moment before I pass to colleagues. You alluded to our central question of whether there are gaps in the legislation, or whether it is primarily an enforcement and, as you say, attitude issue. From what you have seen thus far, are there gaps in legislation that we need to fill?

Guy Opperman: We will probably come on to things like an accessibility Act in a bit more detail and at greater length, but my take is, no, not at present. I don't rule it out. That is the genuine point. There is some very telling evidence—I will find it later—about the assessment of why the Equality Act was brought into, and the purpose behind the Equality Act. I cannot remember off the top of my head who gave that particular evidence, but they spoke very eloquently about how it was meant to simplify the process. Trying to introduce a new Act to simplify the process does not necessarily get the outcome that you are seeking.

We have to make the system, in all its shapes and forms, work better. That is patently clear. I accept that challenge, and if I have any influence on the Department and the various regulators that we are all overseeing, and which individual Ministers are looking after, it is in acceptance of that challenge and the driving forward of attitudinal change. That is surely key. We must make the system work better.

There is a legitimate point that you will probably raise with me about individual aspects of individual pieces of legislation where there may be tweaks, whether it is taxis, e-scooters or whatever it is. One can have a chat about that and say, "Are there individual tweaks that need to be made in individual bits of legislation?" Fundamentally, own the problem; run it better; and have a change of attitude.

Q147 Sara Britcliffe: I have a quick supplementary. The inclusive transport strategy has a target for 2030. Given what has happened with the pandemic, do you still believe that you can meet that target of 2030?

Guy Opperman: Yes. I can give you the long, political answer but, yes, I believe that actually. I will amplify briefly, Chair. There are a number of key reasons why, which all of us can give evidence on, but the fundamental is this. There are, I think, 91 metrics in that. I have what in departmental terms is called a Gantt chart, but you and I would call it a flow chart. Are we achieving what we are trying to achieve?

In 2024, we will publish a proper audit of that. It is similar to what the Select Committee is trying to do in auditing Government. Having an assessment of the ITS—a real, published assessment of where we are going on it—is a proper thing. There may be isolated elements where there is difficulty. A good example is lifts in every single railway station, or whatever. There are specific isolated areas. Huw is much more expert on that. In the most remote rural station in the world there may be problems getting to 2030 on this, but fundamentally things are changing.



HOUSE OF COMMONS

The key changes, of which this Select Committee is aware, are obviously the change in respect of HS2, the transformation of funding through Network North and the money that will be made available as a consequence of that. That is new money in this space which can be utilised, particularly in the mayoralty regions, to make a big difference in delivering the ITS.

My answer is, yes, there may be isolated exceptions, but come 2024 we still have six years to fix it. A large proportion of the 91 objectives—it is a strategy, but you still have to deliver it—have been achieved or are being achieved.

Q148 Fabian Hamilton: Would you agree that accessibility failures on our public transport networks are completely unacceptable? They are not just an indicator of poor customer service. They are unacceptable. When there are good access facilities, often they do not work for lack of investment or maintenance. What is your view on that?

Guy Opperman: Who are you directing that to?

Fabian Hamilton: All of you.

Guy Opperman: I will start, and then other colleagues can come in. The answer to your question is yes, fundamentally. I do not think there is a single person in the room who would disagree with the fundamental premise that we want to make this the best possible experience, and that we are all on a journey—forgive the pun—that needs to be much improved. Where there are failures, one would sincerely hope that they are brought to the attention of those who are responsible, and that action is taken. I don't think anybody would disagree with the fundamental premise.

Huw Merriman: Perhaps I can add something from a rail perspective when it comes to lifts. For the next control period, control period 7, which will commence in April 2024, maintenance and delivery of lifts is one of the key requirements for Network Rail. It is recognised across the rail sector that there is more we need to do. A number of MPs in this place have taken it up directly with me. It will become a key priority for Network Rail for the next five-year period.

Q149 Fabian Hamilton: Let me interrupt you. I am glad to hear that. Last summer or early autumn, I was at a remote station in Bradford. There were two people stuck in a lift. They were absolutely trapped; the doors didn't work. I couldn't get them out. They didn't get a response from the emergency helpline. They rang but there was no reply, just an answering service. That is surely unacceptable. Is there not a dilemma between the need for train operating companies to cut costs and increase profit and the maintenance that they absolutely have to have for things like lifts, to stop people getting stuck in them? They were stuck in those lifts for about an hour.



Huw Merriman: You are absolutely right, Mr Hamilton. It is not good enough. That is why we have that focus. It is also important that as well as delivering more step-free stations, we ensure that the ones we have are properly maintained. It is absolutely right to get that focus.

To your point on the profit element, the way the railway now works post covid and post franchising is that the costs are provided by the Department for Transport for the train operators to run the services. All the revenue is then collected back by the Department. It will not have an element of profit increment in that regard. All of our contracts have performance fee elements, so if a service is not good enough, and that includes the entire service, that fee will not get earned either.

Q150 **Fabian Hamilton:** Mr Browne?

Anthony Browne: I would like to put on the record that I agree. It is completely unacceptable if disabled people cannot travel without having problems. I am completely committed to the 2030 target, ideally beforehand, of disabled people being able to travel with confidence.

Mr Opperman mentioned his mother. My father needs a wheelchair going through airports. I have taken one of my children through an airport on a wheelchair. That was Heathrow. It has to be said that the experience was exemplary, but I know the issues that people can face.

The Government, the airports and the airlines have done a lot. You have had an evidence session on this before. We clearly need to do more. One of the questions was, do we need legislation on it? We actually published a response earlier this year to the aviation consumer policy reform consultation. We said that when parliamentary time allows, we would like legislation to be able to give the CAA better enforcement powers. At the moment, we have very good guidance and quite a good framework, but there is a problem with enforcement. That would enable it to issue fines to companies that breach or do not live up to their guidelines.

We would also introduce mandatory alternative dispute resolution, so that when people have complaints they always have somewhere to go. It is a voluntary scheme at the moment. We would remove the cap on compensation for damage to wheelchairs and mobility chairs. At the moment, there is a cap under the Montreal protocol that we cannot go above. We need legislation for that.

The other thing I would like to see is this. The Civil Aviation Authority currently has an airport accessibility framework forum, which is where it monitors what all the airports do. It does quite a close inspection and provides statistics on how they are doing. You heard this in the oral evidence from the airline industry. I think there is one airport that still needs improvement, but it has come a long way. We could do a similar sort of framework for the airlines. It is more complex because 100 airlines come to the UK, and obviously they are not all UK airlines. It would be really good to have the same sort of scrutiny and pressure put



on airlines. A lot of the stories that we hear and that get into the media about people being stuck on planes for hours, and not being able to get off, are clearly totally unacceptable. It is the airlines that have not been communicating well or dealing with it well with the airports.

Q151 Karl McCartney: I will ask this question of all four of you. Ladies first, and then I will make the Ministers work, alphabetically by surname. Some of you might have heard me being mildly critical of our previous witness. Do you think that they should remain at arm's length, as it seems it is, or should they back off completely? Should they help the various Departments by getting their hands dirty and enforcing what the Government are trying to do?

Liz Wilson: The EHRC in particular? We need to think about how the regulators work together collectively; how the EHRC is working with the regulators, but also how the regulators work together. We should look at opportunities for what collaboration and co-operation there is. There are examples internationally, and in other sectors, where there are cross-cutting issues, and regulators come together. It is something that we would like to think about a bit more.

Q152 Karl McCartney: There are 218 staff and quite a large budget. I am just picking on them at the moment, but within the realm of things that is quite a large organisation. You would have hoped that transport would still be a strategic aim of theirs, but they have knocked it back, for whatever reason.

Liz Wilson: Yes.

Q153 Karl McCartney: Minister.

Anthony Browne: In week four of the job, I do not have much experience of the EHRC and how they operate within the aviation sector. As I said, the main issue in aviation is that there is lots of really quite detailed guidance out there, but it is about the enforcement of it. In the aviation sector it is the CAA that has the primary role of enforcement, but it just does not have the tools. We need to give it the tools. How it would interact with the EHRC in terms of enforcement, I am not sighted on.

Q154 Karl McCartney: Huw, welcome back to something that you started. Full circle.

Huw Merriman: Yes, I know. It was actually one of the last inquiries that we commissioned when I was Chair. I did not expect to be sitting here; I expected to be sitting where the Chair is.

It is a really interesting point, and one that we need to look at as a result of this inquiry, looking through the various patchwork of rules and legislation. We have the Equality Act and the public sector equalities duty and that is where you see the EHRC.

On the rail side we have the Railways Act, which gives power to the regulator, the Office of Rail and Road, to then deliver their powers. In



HOUSE OF COMMONS

effect, you have two opportunities in that particular way. There was one case recently with LNER where it was the EHRC that ended up in detail and signing a legal agreement with the train operator rather than the ORR. I would expect the ORR to make sure that everything that is revealed on that particular equality side is then followed up from a railways licensing and powers part. We could probably do more, as Liz says, to join it together.

Q155 **Karl McCartney:** Thank you. Guy.

Guy Opperman: You are not backwards at coming forwards, so I am not going to be either. I am going to lean in. I listened to the evidence. I have looked at the evidence, albeit I am only on day 30. I manifestly think that the EHRC should be doing more. I refer you to the answer at Question 286 in the 25 October evidence, where Caroline Stickland very strongly gave that view. I endorse it 110%. I did not know the large number of personnel at that august organisation. They have a very broad remit, and no one disputes that. I get why they may have decided other things as an operational decision. Again, all of us had to make decisions in covid and post covid as to the operational priorities. All of that is given, but going forward, could they do more? Unquestionably, yes.

Q156 **Karl McCartney:** Should they?

Guy Opperman: Yes.

Karl McCartney: Thank you.

Q157 **Mick Whitley:** Good morning, panel. What is the Department's ambition for accessibility in transport infrastructure and vehicles across modes? Is there a practical road map for getting to 100%, whether that is defined as travelling with or without assistance?

Guy Opperman: Does the Department have a plan? Yes. Is it set out in detail? Yes. Is there a copy of it here? Yes. This is the inclusive transport strategy. As you can see, it is a very slim document. It sets it out in great detail. We have a metric by which we are judging ourselves. In 2024 we will do a full, published report on it, which obviously we would share with the Committee. We would hope the Committee would then make an assessment of whether they agree or disagree on that. I think the answer is yes, yes and yes.

Q158 **Mick Whitley:** Are there any comments from the other members of the panel?

Huw Merriman: No, nothing further to add.

Q159 **Mick Whitley:** As a supplementary, do you accept that, under the UN convention on the rights of disabled people, disabled people have the right to independent living, including being able to travel spontaneously? How are you making that a reality in your remit?

Guy Opperman: The answer, of course, is yes, we do. I will be corrected if I am wrong, but I think that was passed in about 2016. The ITS is 2018



HOUSE OF COMMONS

and takes all of the points that are made, sets out in copious detail how we are trying to address that and is in a position where I would like to think that we are going to do those points.

There is legitimate criticism in isolated areas where there are either gaps in the system or we are not driving them forward as fast as we can. We take that on board. We are, all of us collectively, as civil servants, as regulators and as Ministers trying to address that.

Q160 Grahame Morris: I want to ask Minister Opperman a question, following the questions from my colleague. You were waving a copy of the Department's inclusive transport strategy. You mentioned that there were going to be metrics to measure success and so on and you will be coming back to the Committee to tell us about that. Can you point to some specific example, within your remit, where the Department's inclusive policy has paid dividends? I want a particular example. I want to ask each Minister in turn.

Guy Opperman: If I may, I would love to give you a written answer. It is not fair to say that there are 91 separate objectives—

Q161 Grahame Morris: I just want one. I don't want 91.

Guy Opperman: I didn't think you would. I could read it out at great length. Genuinely, you should say, "See what the 91 are and then see where we are." I can give a few. Huw, I suspect, will talk about the rail ombudsman, the passenger assist app, the "It's everyone's journey" campaign, guidance on taxi licensing and the PSVAR regulations and the funding that follows. I could go on. There are individual things. Is there more to do? Yes, there is. Genuinely, look at the strategy. Look at what is being delivered and look at what is still a journey.

Q162 Grahame Morris: Some of those are incredibly positive steps, but some of them are ambitions, such as the passenger assist app. We have had lots of feedback to say that the way it currently operates is far from satisfactory, but I am grateful for your answer.

Could I ask Minister Merriman the same question?

Huw Merriman: Thank you, Mr Morris. Yes, that is an example. The passenger assist app has allowed for turn up and go with a two-hour booking period. It used to be 24 hours. I know that this Committee had been critical of that policy. That is now down to two hours.

The ORR's last survey on this showed that there was a 90% satisfaction rate, up from 87% the previous year. We are getting there. In terms of stations, 75% of journeys are from step-free stations. Even though most stations are not step-free, the busy stations are. We have that figure at 75%. It used to be 50%. Again, there are improvements. Network Rail delivers 40% of all journeys; 60% of those are booked and 40% are not booked because people can turn up and go. The staff are there at the stations and the lifts are there as well. I believe that is progress.



HOUSE OF COMMONS

The final thing to touch on, which is really important, is the rail ombudsman. Complaints always get taken up with the train operator, but now the rail ombudsman can intervene, and has intervened and has the power to enforce. Again, that has all come from the inclusive transport strategy. We have delivered two thirds of the requirements under that strategy, but there is more to do.

Q163 Grahame Morris: Perhaps I might pick up on one of those answers. There is the trajectory and the vision. No one can argue about improving from 24 hours to book passenger assist to two hours, and assistance being available to help passengers with disability.

In my constituency we have two railway stations that are unmanned. There are quite a number of manned stations across the network which are currently operating at below optimum staffing levels, so staff are not readily available to assist passengers with disabilities. Can I ask the Rail Minister if he has any further information on current levels of unfilled vacancies, and what steps he is taking to persuade the train operating companies to ensure that stations are fully and properly staffed?

Huw Merriman: I will write to you with the information on vacancy rates. You are right that there have been vacancies at stations. On the requirements that would fall under the accessible travel policy that all stations and train operators are required to sign up to as part of the licensing powers from the ORR, I will need to be in touch with the ORR as to whether they believe that any of that is not just a vacancy but constitutes, in their view, a difficulty in compliance with the policy.

Q164 Grahame Morris: Will you be reminding them of that obligation?

Huw Merriman: Absolutely. I speak to the train operator managing directors on a regular basis. Matters come up, and I will certainly make sure that that is there as well, Mr Morris.

Guy Opperman: Can I come in on that? Only 30 days ago I was the Employment Minister, whose specific job at the Department for Work and Pensions was to try to fill such gaps.

There is a massive role for the local jobcentre and the individual local rail operator to work together to try to create a skills bootcamp or a sector-based work academy in order to try to fill the gaps. That there are vacancies across the sector is patently clear. I am doing a ginormous piece of work to try to fill bus driver vacancies and have been doing that for some considerable period of time. The DWP and the individual organisations are working together. Could we do more? Yes, but we are unquestionably trying to address those problems.

Q165 Grahame Morris: Minister, I am grateful for your intervention, but do you realise that there is a financial incentive for the train operating companies not to fill vacancies? It reduces their costs. Where staff have been reduced or where staff have left, if they can function on a minimal service without any ministerial pressure, or pressure from the regulator,



HOUSE OF COMMONS

they will do that because they are under financial pressures on their bottom line. I am just seeking to gently remind you that they have other obligations, as well as obligations to disabled passengers that they should fully staff their stations in accordance with the terms of their licence.

Guy Opperman: I accept the point that you wish to make, but I also make the point that the Government, in a cross-departmental way, are trying to address any ability to fill the gaps. There is work we are doing.

Huw Merriman: There is a challenge because the funding going into the railway by the UK taxpayer has been £32 billion since covid, whereas in years gone by the train operators paid money in to the UK taxpayer. We have to get the balance right between looking at costs, making sure that we are efficient and, at the same time, ensuring that there is compliance with the accessible travel policy. I understand that there is that tension, but the requirement for all operators to comply with the accessible travel policy is absolute. If it gets to the level that you are alluding to, where that is not being complied with, that is when the Office of Rail and Road will take action. I do not believe that it is at that level at the moment, but I will find out and come back to you.

Q166 **Grahame Morris:** I believe it is about 11%, but you might check that. Minister Browne, could you give me an example from your portfolio?

Anthony Browne: Of improvements?

Q167 **Grahame Morris:** A specific example of where the Department's inclusive transport strategy has paid a dividend for people with disabilities.

Anthony Browne: As I say, there is actually a legal requirement under EC Regulation 1107/2006.

Q168 **Grahame Morris:** I just want an example.

Anthony Browne: That has produced guidance which has transformed what all airports and airlines do in terms of helping disabled people. The airports now have teams of people. They prefer pre-notification; if somebody is arriving in a wheelchair, they prefer to know in advance. They had 3.5 million pre-notifications. They will help people. All cases and disabilities are slightly different, but they will give appropriate help to them from however they arrive at the airport through to the check-in desk and security. They will often be in a wheelchair, and somebody will push the wheelchair through immigration and deliver them to the plane. At the plane the responsibility goes over to the airline. The airlines have a range of different things, but they should have wheelchairs that you can use in the aisles to help people get to the toilets.

As I mentioned, the CAA does close scrutiny monitoring of the airports and what they do. The number of airports that it deemed inadequate a few years ago was 12. It is now down to one. There has definitely been an improvement, but we clearly can do a lot more. They need more



powers to be able to enforce more, but the overall experience has improved.

Q169 Grahame Morris: Recently, as part of our HS2 scrutiny, the Committee visited Birmingham International airport to see the HS2 station and the works that were going on there. They pointed out to us some of the improvements, including the access for disabled passengers. The standards from airport to airport vary enormously.

Anthony Browne: They do, yes.

Q170 Grahame Morris: If the Department is aware of that and is seeking to level up the performance, that would be much appreciated. I have one more question for Minister Opperman. You mentioned that you had twice reviewed the evidence to the Committee from the Disabled Passengers Transport Advisory Committee. We have heard very powerful testimony from its witnesses. Can you tell the Committee a little bit about how you work with the Disabled Passengers Transport Advisory Committee, and whether there are specific policy decisions—I don't want to put words into your mouth—about ticket office closures, where the Department has promoted a policy that clearly was at odds with the views of disabled passengers in that forum?

Guy Opperman: There are about six questions there. I will endeavour to unpick them as best I possibly can. Bear with me. I will try to address the particular points. It starts from the Secretary of State, who has made it a priority to include DPTAC as part of the Department. He took Professor Mat Campbell-Hill with him to the G7 summit in Japan on sustainable and accessible travel. I spoke at length to Mat yesterday, to have a discussion about the evidence today.

I will let Liz come in in a second because she is the civil servant who has been looking at this in a much wider context. She can probably give you a much more balanced view over a period of time. There is no doubt that DPTAC is an integral part of the Department for Transport. I think that we can do more to include them. It is not a question of being consulted. It is being part of the decision-making process when decisions are made. I am looking at a particular example on a footbridge/crossing to a road at the present stage that I very much want their view and opinions on before I make a decision.

We need to have a very positive attitude to that. I will leave Huw to touch on the specifics of ticket offices because he is way more specific on that. My view is that DPTAC is integral to the Department. There is no doubt about that. If you read the inclusive transport strategy, the key passage comes from the DPTAC lead. That is something that is utterly written hand in glove with them. Could we be better at doing that? Yes, I am sure we could. At the same stage, are they part of the Department? Yes, they are 110%. I will let Liz come in.



Liz Wilson: DPTAC has been there since 1985. We have been working with them for a long time on big policy issues. Since Mat Campbell-Hill became the chair, we have been thinking about the systems and structures so that we absolutely do what the Minister said and make sure that we are bringing them in right across the piece. There is a long history of getting DPTAC involved in accessibility-specific areas of work. I am sure that the Minister will talk about their role in ticket office closures as part of that and the ITS.

I think we want to move to making sure that they are absolutely involved in all aspects of the policy that we are developing, where there may be an accessibility implication even if it is not an accessibility specific policy area. We have been developing jointly with DPTAC a forward work plan for them, where we look at the big policy decisions coming up over the next 18 months and how and when DPTAC are going to be able to be involved in that. How often do they need to be given our views? How are we responding to them so that, when we are not able to take forward some of the things that they have suggested, we have a clear dialogue on that?

We have a very constructive relationship with them. We have a number of working groups sitting underneath that as well. They are also very actively involved, not just through the main committees but where we have ongoing working relationships with them on the big ticket accessibility policy areas, like the development that is going on NRAS in rail at the moment. They are integrated into that. I agree with the Minister that they are very much embedded into our thinking, but we would like to see that improve even more.

Guy Opperman: I will go one point further. Every Minister will have to make decisions on a whole host of projects, particularly in rail, road, buses and everything like that. Some of those will have a direct implication in terms of accessibility, but whether you are going to improve the M4, or whatever, does not necessarily have it.

What you have to have as a Department, though, when you are making spending commitments in particular, is proper understanding of issues of accessibility. I do not just say accessibility. The key word I tried to use at the start, aside from attitude, was integration. We must try to bring the different elements of the Department for Transport, whether it is active travel or accessibility in all its forms, into the decision-making process so that you have an integrated transport system. That is what we are trying to achieve.

Q171 **Grahame Morris:** For example, we take talking buses for granted in London—I must say that I have noticed they are turning the volume down, so you can hardly hear them. They would be a real boon, but it is not the norm on many of the routes in our region.

Guy Opperman: We are doing something on that. I am happy to write to you on that.



HOUSE OF COMMONS

Huw Merriman: Chair, do you want me to cover the point about DPTAC's involvement in the ticket offices?

Chair: Yes, please.

Huw Merriman: It came up in Mr Morris's questioning. They were heavily involved. The groups that represent those with protected characteristics were the groups that I met first of all, when the consultation exercise was launched by the train operators. Mat, who was the DPTAC lead was instrumental in that. He provided not just a sounding board but acted as a critical friend. He helped us all the way through that process.

We had three meetings in total with those groups, with Mat very much taking a lead, with me. He provided a lot of challenge and did an excellent job. What was really important was that once the ticket office closures were cancelled, I met with Mat and the groups again to ensure that, as a result of all the good that had come out of the consultation exercise in terms of the challenges for those with characteristics and what more could be done, we could see how we could do it better. We are now working on making sure that we take that and see what can be delivered.

It is not just a question of what he did during the consultation exercise. He is now doing more work to allow things that have been identified to get better. That will help us when we are putting together the national rail accessibility strategy. We are trying to get one common set of policies across train operators and he will be instrumental in that. He is also instrumental in the review we have at the moment of the eligibility criteria for the disabled persons railcard. Again, that work goes on. I hope that gives a flavour of the work that he does. I have to be honest with this Committee and say that I did not know much about it before I became a Minister. I have worked with him really closely. He is excellent. That body really does have clout.

Grahame Morris: I am glad to hear it. Thank you, Chair.

Q172 **Jack Brereton:** First, I want to ask Minister Opperman about the legislative framework. You have already touched on it and some of the challenges because of the lack of coherence and the multiple different pieces of legislation and guidance. Is the Department doing more to look at how we can improve the coherence of that legislation and guidance?

Guy Opperman: There is a legitimate question raised by this Committee, and it is a legitimate point that the Department needs to do, which is to assess whether the delivery of statute and regulation across the board is appropriate, and then enforced properly, as we have discussed in previous evidence sessions and earlier today. I think that is something that we are keen to do.

It basically comes in the form of an assessment of the ITS in 2024. That process has already begun. I confess I have not read it in the copious



HOUSE OF COMMONS

detail I would have liked to do, but I have a very detailed assessment of all 91 different objectives as part of that strategy, many of which are whether regulation is doing what it should be doing and whether we are enforcing it. Bringing all that together is difficult, but the work is being done, yes.

Q173 Jack Brereton: Minister Merriman, thank you for the help you have been giving with lift improvements at Longton station particularly. That has been very challenging, with the local authority and Network Rail taking quite a long time to get the TCF money spent to make those enhancements. What more do you think can be done to make that process easier, so that we get accessibility improvements at some of the stations?

Huw Merriman: Thank you, Mr Brereton. I enjoyed the visit with you because I know you have campaigned to get that package delivered. It is quite interesting that where you see that package as part of a partnership with the local authority, either through the towns fund or the levelling-up fund, there tends to be a wider package. The question is whether, if one piece of work starts, it can eat up too much of the money and then things are missed out.

As a more general programme, Access for All, which we have been running over control period 6, has allowed us to deliver more step-free stations. We are now up to 220 additional step-free stations from that programme, and we have been able to make modifications to 1,500 more. The big challenge for me, and it is a challenge that I take to Network Rail who deliver the programme, is to make sure that they have the best people on it to ensure we can deliver to cost. I have made the point that it is always a terrible thing when money is wasted on railway projects, but when they are railway projects that deliver step-free access it is intolerable. It means that we cannot do the next project.

The challenge for us is how we deliver the next batch of stations. There are currently 300 stations under review for us to make next year's determination. How can we deliver more of them and stretch the costing for it? I am concerned about the cost overruns on a number, which then cause that impact. Obviously, the design standards of ramps going up are not just particular to the railway. They are general design standards. I know that that is a challenge as well.

Q174 Jack Brereton: I want to ask you a bit more about the Access for All funding. The reason why, in Longton's case, we went through TCF was that the footfall was not sufficient for Access for All funding to be eligible. Whatever bid we had put in, we would not have secured the funding.

What more can be done for less well used stations that have lots of potential and provide a really important facility for local communities? What can be done to improve access at smaller local stations? Is there more that could be done to try to make it easier to use other funds, in addition to the Access for All fund, to deliver some of those



improvements?

Huw Merriman: We have 634 railway stations where there is step-free access. That means we have 1,941 where we do not. The larger stations with the greatest footfall, which is why we have 75% of all journeys step-free, are within that.

In terms of the criteria, footfall is one of them. We also look at age profile. Is it a station that serves a community that has a higher than average age demographic? There are disability characteristics as well. Are they particularly high in that area? Is it near a hospital? Are we trying to do the entire line of route? We look at a whole range of criteria when we make those decisions.

As to whether there is more we can do to look at the general enhancements that are going on, yes, I believe we can. There are some examples where stations, as they receive improvement, are required to put in step-free access due to the Equality Act, as it almost counts more towards new. We had one recent example where we had to lift up a footbridge in order to deliver overheads for an electrification project. That was then classified, from an equalities perspective, as requiring lifts to go in there. It is a helpful way of delivering more.

I am particularly interested in the enhancement programme that we have from Network North, to ensure that the work that goes on at stations, because we have to deliver the stations because of electrification projects that are signed off, gives us Access for All sign-off as well.

Q175 **Sara Britcliffe:** Minister Opperman talked about bringing accessibility issues overall in the Department into the decision-making process. We have seen examples when rail infrastructure is being built or refurbished where some of the cost pressures or local objections meant that we saw derogations from the original plans. Accessibility requirements have then been overridden. Following on from this conversation, surely accessibility issues need to be prioritised in these cases.

Huw Merriman: I remember that this Committee, in "Trains fit for the future?", had a recommendation that compliance for heavy rail must be met. There was a commitment from 2010 that by 2019 all of the accessibility requirements would be in force. When the Committee sat, that was still outstanding. Those were delivered in 2021, so the requirements on heavy rail are now there. I will write to you about that, because something that I have been discussing this morning, and yesterday, with officials, as a result of this session, is how that compliance is delivered in full, and your point on derogations is something I have asked about as well.

There is still an issue on light rail. When, for example, London Underground are upgrading their rolling stock—Bakerloo is a good example of that—that means it can be taken out. The reason why we had a failure to comply when the Committee sat, which was after 2019, was



HOUSE OF COMMONS

that some rolling stock came late on to Greater Anglia. At that point I think there were 525 vehicles that were still not compliant. That was delivered by the end of 2021. It was a Committee recommendation for that to occur. I will write to the Committee setting out in more detail what that compliance actually means.

Q176 Sara Britcliffe: Do you think, as a Department, that there needs to be a bit more honesty about the priority of accessibility issues across stations rather than promising change that cannot always be delivered?

Huw Merriman: That is a fair challenge. It is one of the things I leant into when I got the draft skeleton of what we expected the national rail accessibility strategy to look like. The key deliverable for me is that all of it can be achieved within the budget that we have.

This is something that has been put on me by my place on this Committee. It is important that we stretch and set deadlines and targets, but they have to be deliverable. It is really important for Ministers to set those targets on the basis that they will still be there to justify whether they have or have not been met. Yes, that is a fair point.

Q177 Sara Britcliffe: Minister Opperman touched on it. When will the dates be available for the station audits?

Huw Merriman: The station audit is the audit that every single one of our just over 2,500 stations has received. The first phase was doing the audit and then gathering all the data. I, myself, am expecting a presentation as to what we can do with that data, how it can inform us to make decisions and then, crucially, how we can put it in the public domain. That is something I will be looking to do with officials at the start of next year. I have already asked for a meeting to go in to do just that.

Q178 Sara Britcliffe: When the data was released to the public last time we just had the headline figures. Will you be making sure that all of the data is released, so that it can be scrutinised properly?

Huw Merriman: Yes, absolutely. There is no point doing an exercise like this if we are not going to publish what it tells us. That is really important. It is important to me, so that I can see it as well. Of course, there is a lot of published data already that tells you per station exactly what facilities are there. I want to see how this can be done better, and in a manner that is straightforward for everyone to understand. I am really committed to that because it has been a passion of mine. The exercise is a great one. I went to Marylebone to see it being conducted, but I don't want it to be just a written exercise. It has to be something that is published so that people can utilise it for the benefit of their travels.

Q179 Sara Britcliffe: It comes back to the honesty aspect, for the public to be able to see what is happening. Are train station operators clear that they need to be able to have turn up and go services for disabled passengers who have not booked in advance? We heard previously that that was not



the case, and that they didn't have the capacity to do that on railway stations.

Huw Merriman: For those where they are staffed, all of the staff should be properly trained up so that they can cater for needs. Again, that was under the inclusive transport strategy. That is an absolute requirement. I will happily take up matters where that has not passed muster. Again, it is the Office of Rail and Road's responsibility to take action in the event that the accessible policy has not been satisfactorily complied with. It is a rail ombudsman task as well.

You heard from the ORR that there was only one example where they have ever delivered an enforcement notice. That was in a rather peculiar situation where there was a disagreement over whether bike provision should take precedence over ramp provision. It is unusual to get to the stage where a notice is delivered. The ORR and the train operators, or Network Rail, tend to work to provide a solution. If that is not the case, the fine can be quite considerable, at 10% of turnover.

Guy Opperman: Can I add one thing? I accept that the main questions were to Huw, and rightly so because they are rail matters. There is no point having data unless you actually use it. Lots of data just gets published and forgotten about, with no disrespect, across all aspects of Government. What I hope we would do is take the data and actually learn from it as a Department because Ministers and Governments come and go, but all of this journey that we are going to be on will be for a considerable period of time.

The one lesson I hope we would take from it above all else is that we integrate all aspects of DFT into the decision making and the procurement, and then the delivery process. That has not always happened in the past. I cast no aspersions about individual projects or things, but we need to make sure that the Department is thinking about all of these things together and then procuring and delivering. In that way, we save money and we get better outcomes. That is something we can really learn from.

Q180 **Fabian Hamilton:** My questions are addressed to all of you. We know that technology is something that affects all aspects of our lives, especially and increasingly in transport. Could you give your view, as Ministers, on whether the legislative framework to protect passengers from the advance of technology that affects them directly is fit for purpose? For example, I gather that next year we are going to be seeing CT scanners in airports. Are the public sufficiently protected by the legislative framework from any effects of the new technologies that are going to impact on their lives every single day?

Anthony Browne: That is a very pertinent question. On the specific of the new security scanners, yes, they are being introduced next year. I know that the Department has thought a lot about the impact on disabled passengers, who have to go through security as well. They might need to



go through in a slightly different way. I can write to you with details of exactly what has been going on there.

One example of new technology that you have not asked about yet but is coming down the line is automated vehicles and self-driving cars. Legislation has already gone to the House of Lords and will be coming to the House of Commons next year. We have been working with DPTAC on that in relation to the implications for disabled passengers. Some of them might be private vehicles and some might be taxis. They will have to be able to provide disabled passengers with a full service. Sometimes human drivers provide part of the service, helping people get out of the wheelchair and into the car.

The Law Commission did a report on automated vehicles and made 12 different accessibility outcome recommendations. I can list them all if you want, but it is basically to make sure that disabled passengers can have full access to the vehicles. In the legislation we will make sure that there is a legal requirement on the designers of the vehicles so that they are fully accessible to a range of different disabilities. That is a co-design process, where disabled groups will be working with the designers to make sure that disabled people can use those vehicles.

Q181 Fabian Hamilton: We are looking specifically at access, but may I come back briefly on the question relating to cyclists? I chair the all-party cycling group. We are very concerned about the effect of automated vehicles. Will that be included in the legislation?

Anthony Browne: Safety is absolutely paramount. It is the No. 1 thing in the legislation. Ultimately, the move to automated vehicles, which is inevitable and coming—we are closer than most people realise—will, I am confident, reduce the number of accidents, both for people inside the vehicles and externally, such as cyclists.

Guy Opperman: Fabian, if it helps, I have already attended the APPG reception. I have already accepted the next invite from yourself and Selaine. I would be very happy to come and discuss it as active travel. It is an issue for us as well. We want to make sure we work together. Certainly, as a Department, we are on it.

Fabian Hamilton: Thank you.

Huw Merriman: I know it has come up as to whether the accessible travel policies that the ORR has in place with any operator on the railway should be more prescriptive. Part of the challenge when there is a prescriptive code is that it then does not take into account new technology. It is one of the benefits of having a general set of requirements that, when new technology comes in that can improve, it means that the ORR is in a more nimble and flexible position to be able to embrace it.

Having said that, we are going through the iteration of the design standards for accessible rail stations. That consultation has just ended.



HOUSE OF COMMONS

That will also allow us to take into account new technologies that would not have existed the last time the standard was put together.

Guy Opperman: Can I add one final thing? There are two points. First of all, I recommend very strongly the answer, at Question 66, by Alan Benson, who gave a great example of tech providing the video tour of TransPennine, which is clearly not that expensive but is tremendously enabling to a particular passenger. That sort of tech is not too expensive but tremendously empowering.

One of the challenges for all of us in our individual portfolios, and collectively as a Department, is how we can take everything from progressive tech to AI learning and apply it to the individual challenges we have. There are good examples. We also need to look internationally at who is doing good stuff in this space. There is plenty to learn. There is plenty that is of massive assistance, is not too expensive and can be implemented quite quickly. All suggestions gratefully received, but I looked at the answer to the question at the end of the first day and thought, "That is a fantastic example of tech really driving forward real change."

Q182 **Fabian Hamilton:** Thank you for raising that. I can highlight something very important there. We can learn from what other countries are doing. I am glad to hear you say that because so often we try to reinvent the wheel. Very appropriate in public transport, of course, but it is important that we actually learn from the very best practices, so well done.

Anthony Browne: In your inquiry lots of people have mentioned Canada. My wife is Canadian and, as it happens, I spend a lot of time there. It is very noticeable that you see a lot more people around in wheelchairs in Canada than you do in the UK. That is partly because they have spent more time over the years designing buildings. They have a lot more new buildings and we have a lot of older buildings, but they really think about accessibility from the outset. You noticeably and visibly see it.

Huw Merriman: One really good example at the moment is in Doncaster, where you see the whole passenger information board per train and platform. Often you get a passenger announcement telling you what is going on on a platform and whether there have been any changes. Obviously, that does not work for those who have hearing loss. There is a video of someone signing on each particular board. It is a trial in Doncaster. That is the type of innovation that we like to see, and we then like to see it rolled out, where it can be.

Q183 **Fabian Hamilton:** Tomorrow, when I get the train back to Leeds, I will have a look out of the window when we stop at Donny.

Huw Merriman: Yes, it will be your area.

Anthony Browne: Can I mention one other technological advance on the aviation side that the industry is looking at? The ideal solution would



HOUSE OF COMMONS

be for people in wheelchairs to be able to sit in the plane in their wheelchair and for it to be fully safe. That happens a bit, but they are looking at new types of wheelchair that can lock into the plane automatically and provide full safety. I know that does not sound overly complicated to do, but you need to design it and it is a new form of technology that is not currently used.

Q184 **Chair:** Before I turn to Gavin, I have a supplementary question, Mr Browne, on the new scanners that are coming in at airports. A couple of weeks ago, I and colleagues visited Birmingham airport, which is one of the airports where the new scanners will be coming in. I should add that I have an oral question on this tomorrow morning.

Anthony Browne: I know you do.

Q185 **Chair:** If you can't answer now, you have 24 hours to come up with one.

There is no objection to the new scanners coming in. It will be a great help. But there is a concern that requiring every passenger to go through it straightaway could lead to problems. On the accessibility angle, would it be worth piloting it first in a couple of areas so that any unintended consequences can be examined before the system as a whole switches?

Anthony Browne: We clearly have to be pragmatic about it, but on the specifics of that I can write to you and also give you an oral answer tomorrow.

Chair: I look forward to it.

Q186 **Gavin Newlands:** I want to drill down a bit more into regulators, which we have been discussing a fair amount. Before I do so, Minister Opperman, in a survey that we put out to the public at the start of this inquiry, of those who complained more than once about accessibility barriers more than 63% never received a satisfactory response. Of those who complained once, 82% did not receive a satisfactory response.

Bear in mind that in the survey only 1.7% of respondents said that they had never experienced any barriers and 43% had never bothered to complain, presumably because they felt it was pointless to complain looking at the experience of everybody else. What we or the DFT think about accessibility issues means nothing compared to those who are trying to access transport. While I hear that you are open to the potential of looking at legislation, do you think it is a legislative issue or a regulatory and enforcement issue?

Guy Opperman: Their experience is noted, and not acceptable. We need to make that utterly clear. The question is what we do to address it. I am yet to be persuaded that a new Act of Parliament is necessarily going to institute the specific change. If you look at the evidence late on in the third session, the witnesses were very clear on that particular point.

We need to change attitudes. Sadly, there was some very compelling evidence of some of the inappropriate comments by, for example, some



bus drivers and some individuals that you heard. We need to change the implementation, so that when regulators are in charge they actually do the job they are meant to do. We all heard the evidence first thing this morning, and you will draw your own conclusions on that.

There is a wider thing. It is quite clear from the evidence you have heard that getting yourself heard when something does not go right is very difficult, in whatever shape or form, whether it is a civil remedy, a criminal remedy or a regulator stepping in. That is not easy, and in my humble opinion it has to change. There are ways that we can do it. Individual Departments—it is a cross-government thing—can look at this, but I hope that we would look at it, go away and then come up with realistic solutions to improve dramatically the experience for those persons.

Q187 Gavin Newlands: Let's look at the experience of the enforcement action taken by regulators, who all have different powers and levels of power. At the moment, some regulators do not have power to properly enforce, as we have heard from many people. Some do not have the inclination to use the powers that they actually have. How will we fix that in terms of the regulators?

Guy Opperman: There is the power to take action in a whole variety of ways across the piece. I am very happy to look into, and I have started the process of looking into, whether there are genuine gaps in the reporting process and then the action process. Do I think the EHRC need to do a lot more? Yes, I do, unquestionably. I don't think I could have leant in any further to Karl McCartney's question. There is a lot that we can do as Ministers to hold regulators to account. That is what we are trying to do. I am quite sure that this team is going to do that very robustly.

Q188 Gavin Newlands: As I have indicated already, clearly the different regulators—the ORR and the CAA, which Minister Browne mentioned earlier, and I will come back to him on that—have different levels of power. Some are seeking extra powers to be able to do their job a lot better. Without overarching legislation, should there be standardisation of enforcement powers of the transport regulators across the board?

Guy Opperman: Bear with me, because this is slightly more complex. Devolution features very strongly in this.

Q189 Gavin Newlands: I am fine with that.

Guy Opperman: Of course you are, but here is the serious point. We, as the Westminster Government, are devolving an awful lot of power—some people would say not as much as they would like. There is a lot more that is going to flow with the 2024 mayoralty elections. Huge amounts of transport power is going to local Mayors. A huge change is happening in this country. Lots of local authorities are therefore in charge of certain things. Mayors are in charge of certain things. The direction of travel by



this Government, and all other Governments, particularly anything in Scotland, is very clear.

What you are proposing is that the national Government of the United Kingdom, or Great Britain and Northern Ireland, however you want to do it, should take power back and be more in charge of that. With respect, I do not think that is where the direction of travel is. I also genuinely feel that there is a key point that must be taken into account. If you devolve power, the individual person in charge is then responsible. They are also elected. They can have a local manifesto of delivery on accessibility in a way better way than national Governments can. Individual problems can be addressed in an individual way. Things like housing development and all of those aspects can be addressed locally. With respect, making it work better from the centre is important, but making sure that there is proper local accountability is also important.

Q190 Gavin Newlands: With respect, you have slightly reframed my question in many ways. It was not a suggestion; it was merely a question. We are also talking about devolution of local powers, so I may as well ask you this. It is a question I was going to ask later on the issue of taxis, of which you may be aware. When taxis are registered in different areas, where they operate at times, it makes it impossible to enforce things, such as drivers who refuse to take passengers with guide dogs. What steps are you taking to address that at the moment?

Guy Opperman: I saw that bit of evidence. I read it, and I noted it. I have asked for a note. I have a preliminary view. I just want to double-check it with lawyers, but my preliminary view is that an individual local authority can prosecute, even when they are not the licensing authority, if it takes place outside their local authority. I know the assertion was made that if I am registered in X county and the offence takes place in Y county, you cannot necessarily bring action. I don't think that is the case. I am going to double-check and get back to you. I will write to the Committee.

As the ministerial lead on this, I propose writing to all local authorities and ramming home the point that this is not acceptable and that they need to enforce it. If it is not being enforced, I would like to know and I would very much like it to be done.

Q191 Gavin Newlands: Thank you very much. We look forward to you getting back to us. I will now turn to the poacher turned gamekeeper on the panel in this inquiry.

Minister Merriman, on the ORR, which has been brought up a number of times, I will quote Stephanie Tobyn. When she gave evidence about fines and improvement notices, she said: "It is not something we would go into lightly. Certainly, in the environment that rail is in now, you have to look at the trade-offs of what impact that would have on the funds of the Secretary of State." Surely, it should be the operators who are paying any fines rather than the Government, potentially, at the end of the line,



if you will pardon the pun.

Huw Merriman: The thing that I want to make absolutely clear is that any station operator or rail operator has to comply with the accessible transport policy, which is set out and reported on by the regulator. That is the key part. Cost doesn't come into it. That has to be complied with and is absolute. I saw that evidence, but I want to make it absolutely clear that there is no lean-in from anyone from a cost perspective to say, "We can't afford to comply." That is not the case at all. Safety and improvements for those who need them are paramount and go on. That is why money is invested to ensure that it happens. I want to be absolutely clear that there is no compromise when it comes to that.

I was interested in your question. We obviously have the overarching equalities duty under the Equality Act, which means that there must be no discrimination for those with protected characteristics, obviously including disabled people. When it comes to rail, we have specific powers. We have the powers of the ORR. They can intervene as the regulator. We also have contractual powers. The contracts we have in place with the train operators require them to deliver accessibility performance. If they do not, their fee is reduced. That is a financial incentive.

We have brought in the rail ombudsman. We have not touched on this, and it is always a tragedy when they are involved but, crucially, we have the Rail Accident Investigation Branch. Their work means that all station platforms will have tactile paving by 2025.

I was almost giving a case for the status quo there as to why I think it is important that each transport sector has its own way of doing things. The overarching thing is the Equality Act, and then we go into the bespoke, which is our own transport sector.

Q192 **Gavin Newlands:** With respect, the position you have given is the position of the Government that safety is paramount, and cost should not be a factor. Obviously, the ORR seems to be saying that cost does come into it when you look at these issues in terms of fines and enforcement notices. Given what you said in your previous answer, is that something that you will be addressing with the ORR, to ensure that it is not a consideration?

Huw Merriman: For example, we are investing new money into step-free access. The next batch for control period 7 is £350 million and it cannot be greater than that because we only have a certain amount of money. When it comes to compliance with existing accessible travel policies, those have to be complied with. Yes, I will take that up.

Q193 **Gavin Newlands:** On aviation, we are particularly keen on talking about reputational damage as a key driver for performance in this area. Whether it is rail or whatever mode of transport, would you say that the threat of financial penalties works? Hopefully, they are not necessary in the end, but would the threat of a financial penalty ensure that we made



HOUSE OF COMMONS

progress quickly, or quickly enough, in this area?

Huw Merriman: Yes. Again, the ORR have powers at 10% of turnover level. That is a really draconian power that they can exercise. This, in my experience, is the way that the railway community operates. The reason I believe that the ORR have not had to issue more enforcement notices—they have only ever issued one, as they told you—is that when they take matters up, those matters are then addressed. There have been a number of matters that have had to be addressed. Therefore, it does not even get to that level, and does not get to the fine level.

Q194 **Gavin Newlands:** Lastly on rail, you said “when the ORR take matters up”. Doug Paulley said that the ORR are very good when issues are flagged to them, and they take those issues up, but they are not proactive enough themselves as an organisation when it comes to looking at accessibility. Is that something you would agree with, or is it something that they need to work on?

Huw Merriman: I noted that. You put that to the ORR. I think their response was, “We have 100 inspectors that go across the railway.” That is from an accessibility and health and safety perspective. They look there and do their surveying. They can see where the journeys are because we can see where a disabled persons railcard is being looked at. In a way, that makes the case for the national rail accessibility strategy and why we need to be a little more uniform across the piece, working with the ORR, so that we can put something above that. That is what we intend to do next year.

Q195 **Gavin Newlands:** I am conscious of the time, so I will come to aviation with Minister Browne. I was quite pleased to hear your opening remarks about the CAA and what powers you would like it to have. You spoke about the airport accessibility framework and your desire to see a similar framework for the airlines. How and when are you going to ensure that the CAA has the appropriate powers and that the airline accessibility framework is put in place?

Anthony Browne: It requires primary legislation for the CAA to get appropriate powers. It is when we have parliamentary time to do it. I don’t know when that will be.

Q196 **Gavin Newlands:** I somehow thought that might be your answer.

Anthony Browne: Unfortunately, it requires primary legislation, so if you can tell me when we have parliamentary time to do it, I will push for that. Obviously, we have the parliamentary legislation set up to the election, so it will have to be after the election.

Q197 **Gavin Newlands:** Which is when?

Anthony Browne: You tell me; I have no idea. On the CAA having an airline accessibility performance framework as it has for airports, my understanding is that it has the powers to bring that in. It has certainly



HOUSE OF COMMONS

consulted on it, and we have supported it. I can write to you precisely on the timing and the mechanism for doing that.

Gavin Newlands: Thank you very much.

Q198 **Chair:** I have a quick supplementary on one of the points that Gavin made, on the proactiveness of the regulators to intervene with operators. We have touched on the ORR, but across the piece do you think there is a problem? Yes, they will act when issues are brought to their attention, but do they need to do more in proactively looking at how operators are performing and take action where necessary?

Guy Opperman: In my view, probably yes. I think there is a definite issue as to the mechanism by which information is brought to the regulators in a particular way. It is not for me to create policy on the hoof, but it has struck me very much that there is an information deficit, in the sense that there are lots of occurrences and incidents happening all the time, but trying to bring that together into a comprehensible and available piece of information is very difficult. Trying to find a portal by which that is done is difficult.

I hesitate to say that Northumberland can lead the way, but there are examples up and down the country with tech. Quite simply, several local authorities would do this, for example. If you see a particular pothole, you take a photograph of it, upload it to your council's website and they will respond within seven days as to how it is being dealt with. It is called FixMyStreet and several local authorities do it.

It strikes me that in terms of accessibility in particular, if there was the capacity to upload such information when there was a difficulty or a problem, and then take that to an accessible portal—it can be mapped as well; it is perfectly capable of being done and local authorities do that up and down the country—individual regulators could then be notified and/or action individual things. One has to accept that not all cases would be genuine. We would have to have some degree of assessment, without getting into the nuts and bolts. That would, it seems to me, be an obvious and simple way of using tech to try to drive forward accessibility, of information in this case, with better outcomes. That is me making policy on the hoof as I go along on day 30. I have read the evidence, like everybody else, and it is quite clear that it is very difficult for individuals to get all the information they would like in front of regulators. That is not acceptable, in my view.

Huw Merriman: Chair, with regard to the Office of Rail and Road—I think it was in Mr Newlands's questioning—they took the point that because they have only issued one enforcement notice, because they have not had to go to that level, they could perhaps publish work that they have done in conjunction with the operator to make improvements, and do that better. I would certainly welcome the Committee's recommendations on how, within the railway sphere, we can be more transparent and provide more information about what is being done. That



HOUSE OF COMMONS

gives more confidence to those who have disabilities that they can use the railway, and that it will work for them. Tying that up with the station audit that we are doing—on Ms Britcliffe's point about getting that published—I want to find a way of publishing the data and demonstrating that things have been done and action has been taken, so that it is out there in the public domain.

Q199 Sara Britcliffe: This is slightly off topic, but it relates to basic training for staff at stations through the train operating companies. I say this from a personal experience at Euston last week, which as we all know is a very busy station.

There were three visually impaired people. There was no help, when they had booked assistance, to get off the train. I then created a kind of chain link. I am the first to admit that I am quite small. I don't have upper body strength. I was also trying to push my suitcase at the same time. Every staff member I walked up to saying, "Look, these people require assistance to get off the train and to be taken to the tube station," rather than saying, "Don't worry, we will take them to where they need to be," passed me on to the next person before I got them to the place where they needed to be. What basic training do staff on stations have to help people in those positions? We know that at Euston not everybody is willing to help others to get to where they need to be.

Huw Merriman: All staff working in stations and working with customers are required to have training to be able to deliver the accessible policy that the operators have to sign up to. We will happily take away that particular matter and look at it. I am sorry to hear of it. Staff training is provided. It is essential when we update our policies. The inclusive transport strategy has training as a requirement. We are looking to make sure that all characteristics are taken into account as we learn more. We will certainly take that away. Liz, is there anything you want to add to that?

Guy Opperman: Can I add something? We are happy to write to you. The answer, quite simply, not just in rail but in all aspects of transport is staff training. The question is, does that sink in and is it implemented? The proof is in the pudding. It goes back to the fundamental of attitude.

One of your witnesses spoke glowingly of the existence of what goes on in Japan, where they have a "can do" attitude to such problems and there isn't the game of pass the parcel that quite obviously you experienced. That does happen in this country, and it needs to change.

Q200 Fabian Hamilton: We have done a survey on this Committee that shows that passengers are deeply dissatisfied with the complaints processes when operators get something wrong. Do you think that the Department for Transport should consider establishing an ombudsman, or a similar system, to oversee complaints about transport accessibility? It is really not good enough, is it, if we have that many people complaining about the way their complaints have been handled?



HOUSE OF COMMONS

Guy Opperman: I will take that first, and then individual Ministers can come in. Obviously, there is already a rail ombudsman.

Q201 **Fabian Hamilton:** This is specifically for access.

Guy Opperman: I understand the point. My personal view is that the case is not yet made, but it is very early days. I believe, though, that there is transparency and availability of information, and then action on that information. We need a considerable piece of work. I refer you to the answer I gave to the Chair just now. I think that can be done. What we are interested in is outcomes rather than a better process, in my humble opinion. I do not feel that there is the case made for an ombudsman as yet. What I personally would like to do is to run the system better and have better outcomes.

Q202 **Fabian Hamilton:** Surely, if the process is failing, a better process is the key to better outcomes, isn't it?

Guy Opperman: Basically, we have to have a change of attitude, a greater degree of transparency and the ability for the individual to record their complaint, in whatever shape or form, and for it to be actioned quickly. As we all know, because as MPs we deal with ombudsmen all the time, they are a very slow process. They take many years to action. It is not necessarily the panacea. It was an invention by the Labour Government, which I applaud. For example, the health ombudsman does good work, but it is only good as far as the role it is doing. It is a slow process. It does not get the relatively speedy outcome that we are all seeking, I respectfully say.

Huw Merriman: On the rail ombudsman side, it was an introduction in 2018. The rail ombudsman will take up matters if it supports them. Ultimately, if a resolution cannot be found, it can enforce its decision. We have the rail ombudsman as well as the powers that the rail regulator has to take action. I believe that we have that added strength. It is certainly the case that the ORR is looking at the five lower performers in delivery of the two-hour turn up and go. I expect that work to lead to some improvements.

Q203 **Fabian Hamilton:** In the light of what Minister Opperman has just said, and I accept the points that he makes, do you think that the current rail ombudsman deals sufficiently well with accessibility complaints? Does the ombudsman even receive those complaints?

Huw Merriman: When complaints are made by individuals, yes, of course they will then take action. The challenge for me is that we have various different bodies that can act and take up their powers. We also have Transport Focus which acts on behalf of passengers. It is how interconnected they are. That is something that will certainly be in my mind, from the work of this Committee, when I ask them if there is more that they can do.



HOUSE OF COMMONS

Anthony Browne: I have a general observation about ombudsmen. In my previous career in banking, I dealt a lot with the financial ombudsman. I know it very well. I am not making comments about any particular ombudsman apart from the financial ombudsman. There is an advantage to having a single ombudsman who is quite powerful and professionalised and has scale and efficiency. In financial services, instead of having a banking ombudsman, an insurance ombudsman and so on and so forth, you have one financial ombudsman. From the public's point of view, it has the advantage of visibility. They know it. If you have lots of little ombudsmen with different responsibilities, they do not know them. If you have lots of little ombudsmen, they do not professionalise in the same way. They do not get the same quality of staff. There is a definite read-across of skills, being an ombudsman in one sector, to a related sector, and bringing them together under one roof. In financial services it definitely had beneficial impacts from the consumer's point of view.

In aviation, which is my specific ministerial responsibility, I mentioned that at the moment there is no ombudsman. There are alternative dispute resolution mechanisms. Membership of those is voluntary by airlines and airports. We want to make that mandatory.

Q204 **Chair:** I have an observation on the back of that. A common thread through the issues that have been raised with us by passengers is that it is such a complex area for them to try to get redress when there are problems. In the rail system there is a very good scheme when delays happen, Delay Repay. The passenger knows where to go. They do not have to worry whether it was a Network Rail problem or a train operating problem. It is all sorted out behind the scenes. I don't want to prejudge what our recommendations will be, but there could be a scheme like that which is very visible and accessible to passengers. They could go to that when there is a problem and then the system kicks in. I leave that with you.

We are coming to the end of the session, you will be relieved to hear. I just have a couple of final, specific questions. First, with regard to buses and coaches, many are exempt from the Public Service Vehicle Accessibility Regulations and are unlikely to meet the required standard when the exemptions expire in 2026. What is going to happen then? Will there be support available to operators to upgrade their vehicles?

Guy Opperman: I have done Select Committees for eight years and I have never been able to announce stuff at a Select Committee.

Q205 **Chair:** Now is your moment.

Guy Opperman: Exactly. On day one of my Select Committee career in Transport, I am pleased to say that there will be £4.6 million in grant funding for smaller operators to mitigate the cost of complying with the Public Service Vehicles (Accessible Information) Regulations 2023. There is a process, on which I am going to write to the Committee, which will



HOUSE OF COMMONS

start in January 2024 to address some of those problems. The Department would clearly like me to make the point that 99% are compliant, but there is more to do on the smaller operators.

Q206 **Chair:** That is excellent news. We look forward to seeing the detail.

Guy Opperman: Here is the piece of paper, as someone previously once said.

Q207 **Chair:** Thank you for that. Finally, I want to touch on how the needs of people with disabilities are factored into the design of streetscapes. It often seems to be done as an afterthought. I think this comes into your attitude point. It is there in the process anyway. What measures do you envisage putting in place to help with that?

Guy Opperman: I massively want to lean into a whole host of organisations, particularly housing and the way that new estates are designed. It makes total sense to do that, both from an active travel point of view and an accessibility point of view. I note the point on what are called floating bus stops, which are a problem.

I have very strong personal views, which I probably should not express as robustly as some have done, about e-scooters, which someone described as “e-litter”. I find it astonishing that in 2023 we allow obstructions on the street in the way we are doing. If I was to stay in post and we were able to do this, we need to have legislation whereby they are docked in the usual way. It seems to me utterly unacceptable that we are creating obstructions on an ongoing basis. I get that there is a trial. The Department is very keen for me to make the point that there is a trial, and that individual local authorities are looking at this. My personal view is that there needs to be a docking system ASAP.

Chair: Thank you very much. That concludes our questioning this morning. Thank you all very much indeed for your time. It has been a very informative session. We hope to bring forward our recommendations and conclusions in good time, and that you will be able to take up what we recommend. For now, thank you again for your time this morning.