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Inquiry on

EQUALITY ACT 2010 AND DISABILITY

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Heard in Public

Questions 91 - 96

TUESDAY 3 NOVEMBER 2015

4.35 pm

Witnesses: David Sindall and Simon Posner

Members present

Baroness Deech (Chairman)
Baroness Browning
Baroness Campbell of Surbiton
Lord Faulkner of Worcester
Lord Foster of Bishop Auckland
Lord Harrison
Baroness Jenkin of Kennington
Lord Northbrook
Baroness Pitkeathley
Baroness Thomas of Winchester

Examination of Witnesses

David Sindall, Association of Train Operating Companies, and **Simon Posner**, Chief Executive, Confederation of Passenger Transport

Q91 The Chairman: Good afternoon. Welcome to Mr Sindall, who is Head of Disability and Inclusion for the Association of Train Operating Companies, and Mr Posner, who is the Chief Executive of the Confederation of Passenger Transport. You heard what I said at the beginning about the transcripts and so on, so I do not need to tell you that again. We can move on to our questions.

Q92 Baroness Campbell of Surbiton: Train operators are required to have a disabled people's protection policy. First, I would quite like to know whether the same applies to bus operators. I would also like to know whether bus drivers and station staff receive adequate disability awareness training. From what we were hearing earlier, it seems that attitude and ability to help disabled passengers is quite low. If you could give us a good feel for the training sector, and this disabled people's protection policy and how it works, that would be good.

Simon Posner: The short answer to your first question is no, there is no requirement, but each bus company takes that very seriously and puts in their own requirements to do so. You were talking earlier—I listened to your previous session—about the Certificate of Professional Competence. Notwithstanding what the Government have decided they wish to put through, each bus company is signed up to that and each bus driver has to go through that. Items one and two are disability awareness training and customer awareness training. I was doing some research prior to coming here and found that over 150,000 bus drivers and staff around bus stations have now been through that training, which is the great majority, if not all, of the staff there.

You say, "Is that sufficient?". Is it ever sufficient? We will try our best and we will carry on training. We all need to do more and we all need to do better. There is no doubt, however, that the bus industry is far better trained now than it was 10 years ago and even further back, when I used to be on the secretariat of DPTAC. The training was very poor in those days.

It is a requirement of the industry that we train our drivers and staff. We go over and above that. The drivers themselves require more training. It is not something that most companies do under sufferance. Just as a business decision, the companies do not wish to see their passengers being badly treated by staff, whether they are disabled or not, and many of our

drivers want a better experience themselves. They want to know how to help. It is not just a case, as everyone on this Committee knows and I do not have to say, of physical disability and seeing people in wheelchairs. In fact, this week we will be working with a mental health action group—I must get the name right—in producing a DVD training aide to help all bus companies with that. Journey assistance cards are being put out across the industry to help people who have, if you like, non-obvious disabilities. There is a huge amount of training and a huge amount going on. I know I might sound as though I am saying that everything is fine and we are doing it. We are doing our best; we will keep doing our best. It will never be enough, but we will keep trying to do more.

I was surprised, I must say, to hear someone say that Guide Dogs thought that 43% of bus drivers had not been through that. It is not my experience of talking, as I do quite often, to Guide Dogs, the RNIB and other disability groups. Certainly many more than 43% have done so—as I say, the great majority, if not all, of bus drivers have—but it is something we have to continue to work at and do more of. We will talk to disability groups to find out what their experience is and how we can help.

Baroness Campbell of Surbiton: Have you been talking to a lot of disability groups? It seems that one of the major barriers to using buses is getting on them and getting into the space that is normally crowded with bicycles or pushchairs. Could you tell me how you are helping your drivers to address this issue in the absence of the law?

Simon Posner: I presume it is the wheelchair space you are talking about particularly.

Baroness Campbell of Surbiton: It is, yes.

Simon Posner: It is a problem. I have to say that it is possibly not as widespread as many people would have us believe. What are we doing to help? Every sign that you will see in a bus around any wheelchair space will say, “This is a space for wheelchairs. Please vacate it if they need them”. Drivers are asked to announce and say that that is the case. Sometimes some bus drivers may be a little reticent to do so. You will find now that we have put a recorded message, which is very forceful, in many buses, so they are able to press a button and say that. What we cannot do, and what certainly the bus drivers and the unions do not want us to do, is say, “You must physically move the person away from the disability space”. We cannot have drivers going out and doing that. It puts people at risk and it makes things slower. What drivers can do is call the police to do so, but we really try not to do so. What we are trying to do is to get them to be able to put the case forward better to people who are in that space. It is really about human behaviour and helping those people in doing so. We give them signs and we allow them to make an announcement as if it is not them, but really it is down to the people who are there. I am afraid it would be unreasonable to ask our drivers to forcibly hoick them out.

Baroness Campbell of Surbiton: Mr Sindall. Training and awareness.

David Sindall: I have with me, for the Committee’s own use and evidence, a pack that we produced at ATOC for training. Train operators are obligated to deliver disability equality training through something called the disabled person’s protection policy. This falls out of the requirements in the Railways Act. All train operators deliver disability equality training of one form or another. The way in which that training is delivered will vary. In some train operating companies you may not receive anything that you or I, Baroness Campbell, would recognise as disability equality training, because it is incorporated into weekly briefing sessions and so on and it is utilised in a particular way. We designed this training pack as a means of cascading best practice training down to train operators on the basis that you could utilise it in a number of ways. You can, if you so wish, use this for a day-long training

session. You can, if you so wish, use it for short 20 or 15-minute inputs into training sessions as well. Our biggest challenge, to be perfectly honest, is finding suitably qualified disability equality trainers who understand the requirements of the rail industry and are able to deliver good training. For us, that is the bigger issue. One of the things we have concentrated on is delivering training resources for trainers to utilise—who are sometimes disabled and sometimes not.

Baroness Campbell of Surbiton: In situations where the awareness seems to be lacking—in a particular station or a particular operator—what is done to address that?

David Sindall: A lot of the evidence as to where additional training is needed might come from customer complaints or from some of the monitoring we do centrally as well. Let me give you an example. We have also just introduced another training resource for staff at call centres who take passenger assistance bookings. That resource is aimed at making sure that they have the relevant information that they need, and that they understood the link between what they were doing on the telephone and what happened after that information was passed to the front line. That came out of research we had done centrally that indicated that the type of information that was going to staff at the front line was sometimes unsuitable, and that we needed to improve the flow and the quality of information and provide better quality training to staff in call centres who were taking those bookings. I am happy to say that we released this training three or four months ago and the feedback we have had from staff is very good. We are hoping to see the improvements in the quality and delivery of the service to passengers in the medium term.

In terms of what can we do generally, ATOC has no power to instruct our members to go out there and train their staff, but we have a group—the ATOC disability group—which is where the train operators come together, where we meet periodically, and training is a recurring item on the agenda of that group. We are always looking for ways of improving training and sharing best practice in terms of what happens with training too.

Q93 Lord Harrison: Gentlemen, many of our witnesses have told us about the problems with accessibility in railway stations, but even stations that ostensibly are step free are often in practice not accessible. I well remember on one occasion traveling through Crewe, which I do on a weekly basis. I was accompanied by the Deputy Prime Minister's¹ Mum and the lift broke down. We had considerable difficulty getting on to the traditional platform 5. When she arrived in London she gave the Deputy Prime Minister a very fierce word in his ear about how Mum had been let down. What more can we do? Given there is an obligation for railway companies to advertise that they will provide alternative transport when these instances happen, should it not be mandatory for that to be placed on notices, as we have sometimes, very traditionally, seen the lifts out of commission at Crewe station?

David Sindall: In terms of station access, it is the case that as you put new facilities in, such as lifts, they occasionally do fail. We have a system in the rail network whereby we can record that centrally and make sure that the National Rail Enquiries website records the fact that lifts are out of service. More importantly, we can tell passengers, particularly those who have booked assistance, when changes are taking place with their journey, or staff at the front line will plan those changes at the time when they know somebody is coming.

We also have a facility on the National Rail Enquiries website called Stations Made Easy, which shows station accessibility for all 2,500-plus stations on the rail network and level-access routes within stations. We are just at the point where, after eight years, we are replacing the current providers of the access auditing for Stations Made Easy. We are

¹ John Prescott MP, now Lord Prescott

refreshing what we have done there and what we will do in the future. We are trying to make the information that we have more reliable and more useful.

As we go forward, we need to get better at utilising the information and intelligence that we have about passengers to make sure that passengers who use particular stations have better information. One of the things that we are particularly keen to explore within the new rendition of Stations Made Easy is the idea of passenger comments against each station page. For example, Baroness Campbell might say about Surbiton station, "I am a wheelchair user. I use this particular entrance". Another wheelchair user might say, "Well, I use a different approach to get into the station". We are trying to move the information into a much more democratic flow.

Lord Harrison: Do you keep numbers of people for whom you provide alternative services? The problem often is the disabled traveller simply does not know that he or she—

David Sindall: Let me come on to that, if I may. In terms of alternative transport services, we have been trying quite hard to promote the availability of assistance. I noted in the previous session Baroness Campbell's comments about having to pre-book assistance 24 hours ahead. Some 70 million journeys a year are made by people with disabilities, according to Transport Focus. It does an annual survey of passengers who are travelling, and based upon those numbers we know that about 70 million journeys are made by people with disabilities, using the broader definition in the Equality Act. About 1.2 million journeys involve pre-booked assistance. The vast majority of journeys undertaken by people with disabilities on the rail network in GB are journeys made where assistance is not pre-booked. We might be able to explore that later in this hearing. The vast majority of disabled people using rail services do not require pre-booked assistance.

We think a bigger issue here is that people do not know that assistance is available. We have recently started producing things like this credit card, which reminds people of a central contact number they can ring to book their assistance and so on. It is a strange equation; many passengers will want assistance for some journeys but not for all journeys. We have to work with two potential groups of passengers: those who are very confident and feel that they can use rail without any assistance, and those who need a bit more help and support but need to know more about what is available. The way of doing that is by continuous campaigns. We have recently produced three online films, which are available for disabled people, that show how assistance works and so on. It is a continuous process.

Lord Harrison: I have very good examples of where you have acted well, where such journeys have been booked for someone who is less steady on their feet, but I did ask you the specific question of whether you keep numbers of those for whom you provide replacement services.

David Sindall: Yes, we do. Those numbers are monitored through the train operating companies.

Lord Harrison: Could you provide those to the Committee?

David Sindall: I will do my best to get you a figure that is as near as I can get to being accurate, yes.

Baroness Campbell of Surbiton: Mr Sindall, do you disaggregate the numbers of those who are using without and with? You cannot use many rail systems if you are in an electric wheelchair without a ramp, so you have to book ahead. You have no choice.

David Sindall: Not quite, Baroness Campbell. We have recently also developed a London turn-up-and-go network. This is a network of 36 big stations in the Greater London area where passengers do not need to pre-book their assistance. It is a trial at the moment and it

is being evaluated. We are trying to demonstrate that for some journeys, it is possible to make those journeys without pre-booking assistance. You rightly point out that if you are a wheelchair user, you require a ramp to get on board a train. If you are visually impaired, you might need guiding around the station, if it is a station you do not know or if you do not have a guide dog, for example. We are trying to find different ways of supporting passengers that fit with the pattern of travel on those services. If you are using commuter trains, more often than not people do not pre-book their seats. Only about a third of trains on the rail network have available pre-booked seating.

What we are really trying to do as we move forward is deliver something that is nearer to what passengers want. The challenge ahead for us is to make sure that we can support, and better support, spontaneous travel for disabled passengers who wish to use our services.

Q94 Baroness Browning: I have interests as vice-president of the National Autistic Society and the Alzheimer's Society, and I am patron of Research Autism. Could we come back to the question that came up in the earlier session, which I think you heard, about the lack of audio-visual information, especially on buses? Is it sufficient for this information to be given by the driver? I personally have some concerns about that. Should a requirement for audio-visual information be included in the Public Service Vehicles Accessibility Regulations? Do you think those regulations are properly enforced?

Simon Posner: The Committee will expect me to be candid, and I will be. One of the problems with providing audio-visual, which is an ideal way of going forward, is one of cost. It is a huge cost at the moment to retrofit vehicles so they would have that, and to build into new vehicles. It is quite expensive. Mandating it has some difficulties, for a number of reasons. One of them, as Mr Pendlebury mentioned earlier, is that technology is moving forward so quickly. I know that when I mention the word "apps" some people say, "Oh my goodness. It is for the young people and others cannot use them". We are doing a great deal of work with the RNIB at the moment, who have been saying to us, "We are living our life more and more with our smartphone, we are plugged into it as we move along and we do not particularly like having this system coming up that we sometimes cannot hear because we are plugged into our telephone".² We have worked very hard with them to come up with something. As an industry, we need to do something that is better than the driver just announcing where you are going to be. It works fine when it works, but it is not the way forward. We just cannot see that everyone is going to be able to afford the current technology.

We have just been through six months of a trial in Leeds, whereby you have an app on your telephone that not only tells you once you are on the bus what the next stop is but tells you how long before the bus comes along. We are trying to get it so that it can also alert the driver that somebody is going to be there who needs it. The next stage, which we are now trialling, is that that can be plugged into a monitor. For people who cannot use or do not wish to use their smartphone, the equivalent of the audio-visual system that you see in London will be able to take place. That is a very long-winded way of saying to you that it is not ideal for drivers to be able to announce it, but it does still work. Stagecoach, one of our largest members, has just come into an agreement with the RNIB on a number of things they will do to help blind and partially-sighted people, announcement by drivers being one of

² See however the subsequent exchange of correspondence between the RNIB and Confederation of Passenger Transport (available at:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/equality-act-2010-and-disability-committee/equality-act-2010-and-disability/written/25044.pdf>)

them, but we do need to find a more modern and cost-effective way of providing audio-visual than that exists at the moment, because it is not something we can see being run out across the industry.

Baroness Browning: What about including it in regulation?

Simon Posner: I am very concerned about mandating it, because things move on. If you mandate it, you tend to put a lot of investment into something and then something else comes along that is better. You can sometimes be straitjacketed by that. Yes, we need to look at a regulation that makes it a requirement going forward on new vehicles to have something that will improve audio-visual for people who need it, but you need to be very careful, with things moving so quickly and people having so many different needs, about straitjacketing what you do.

The Chairman: In the here and now, people need to know where to get off. If you say they should have apps, you are basically pushing the expense on to the user. These phones are very expensive. You said it is expensive for the bus companies to provide audio-visual, but you cannot just push that expense on to the individual user. I cannot imagine how a visually-impaired person would manage that anyway.

Baroness Jenkin of Kennington: Visually-impaired people do use smartphones.

Simon Posner: Yes, many do. It is very difficult to generalise on this, but certainly the people we are dealing with in RNIB would tell us the great majority of their members now have smartphones and use them. We do not wish to push the expense on to them. We want to have something that people want to use. Putting this app technology in and finding that it works means that the next stage, which is what we are now doing, is fitting monitors to the buses for people who do not have the phones or are not able to use them. That then helps everybody. It will try to recreate the system in London, which is very expensive at the moment. We are not trying to push it back on to them; we are trying to make it affordable and easier for all. Certainly, the RNIB tell me that the great majority of their members now live their lives on smartphones.

David Sindall: Could I just add a comment here that might be helpful for Baroness Browning? By 2020, all trains have to meet rail vehicle access requirements, and that will include having on-board information available for passengers, through passenger information systems. We are at the point where about two-thirds of trains at the moment have this facility available. All trains should have it by 2020. The difficulty we have, and one of the weaknesses of the Equality Act at times, is that it does not look at the integration between transport modes. When a passenger who has been reliant upon that information on the train gets off and continues their journey, say, by bus, they still need the same support. It is important that we recognise that rail is one part of a whole sequence of travelling; it does not exist in its own right.

Q95 Lord Foster of Bishop Auckland: I have no interests to declare. The deadlines for buses to meet the Public Service Vehicles Accessibility Regulations are 1 January 2016 for single-decker vehicles and 1 January 2017 for double-deckers. Will these deadlines be met, and will access be adequate for larger, more modern wheelchairs and mobility scooters?

Simon Posner: The very short answer is yes, they will be met. Government Ministers asked us three or four years ago whether we would like an extension on that deadline. It was a very firm answer: no. The industry is very committed towards meeting it, and it will be met. The issue of mobility scooters and larger wheelchairs is a very difficult one. Certainly the spaces will be there. We understand that in many cases wheelchairs are getting larger, and we also understand very much the importance of mobility scooters. I know everyone who

comes in here waves this code. The lady was speaking earlier as if we did not want mobility scooters. There is, in fact, a code that has been produced by us at the CPT and by the industry to try to ensure that mobility scooters that are used can get on to all the vehicles. The trouble is that there is no law at the moment for the size that a mobility scooter needs to be. If a company comes up tomorrow with one that is double the size the size of a previous one, no, there will not be the space there on buses for them. It is very difficult; you have to balance the need to take seats out and the amount of weight that the vehicle will have. Going forward, with the regulations as they stand, buses will certainly take what they call class 2 scooters and some class 3. We need to work—and we are working, I hope—very closely with people who have these scooters to see whether they can use them on the buses.

I am sorry if this is going to be a long answer, but it is quite important that we mention this part. It can happen that you can turn up on your scooter and the driver will go, “No, sorry, that is not going on. That is not the right size”. Sometimes drivers will look at them and say, “Yes, I think that is all right”. We need to work with people who use the scooters continually so there is never that confusion when they get there. As part of this code, which is something that we are doing with users of scooters, we will talk to them and speak about how they need to manoeuvre the scooter. We as an industry will look and say, “Yes, that is suitable for the vehicle”, and then a card, a little like a credit card, will be given to the user that says, “This scooter works on your buses”, so there is never any doubt of a driver saying, “That is not getting on here”.

The problem is that as they get larger—once a bus is built it is built, and it has a life of between eight and 12 years, typically—we are not going to be able to keep up with the speed at which new scooters come along. We would really like to see some sort of regulation and/or guidelines so that we know what size can be built. I am sorry if that is a very long answer to your question.

The Chairman: Do we not need size regulation in relation to baby buggies, which seem to me to have got larger and larger over the years? We are not discussing the Paulley case, but it has struck me simply as a commuter that baby buggies are about twice the size they were when I used one.

Simon Posner: The one I bought eight years ago cost more than my car.

The Chairman: Yes. There really is an anti-social problem there.

Q96 Lord Faulkner of Worcester: This question is for ATOC and Mr Sindall. I remind him of my interest with Great Western Railway. A lot of effort has been made to raise the level of platforms in order to align part of the platform with the door to allow wheelchairs to get on and off without need for a ramp. Can you give us any indication as to whether that programme is continuing and whether you see a future for that?

David Sindall: It is continuing. The Thameslink service will be utilising platform humps, as they are called. They were called Harrington humps—they are now called platform humps, which is easier—because the first station to have them was Harrington station, up in the Lake District. They are being utilised. There is a limit to how you can use them, though, because—again, it is a technical answer, but it is one that is worth understanding—they only work where you have the same rolling stock serving the same platforms all the time. If you have different types of rolling stock serving the same platforms, you need to have a number of different humps along the platform, and that means you create two problems: a tripping hazard on the platform for passengers who are not using the humps; and the problem of

passengers not being sure, depending on which train is coming into the platform, where they need to position themselves to get on.

In the long term—I do a lot of work at European level; I am the Community of European Railway spokesman on the committee monitoring European regulation—the answer is automatic boarding ramps. Sadly, automatic boarding ramps are a good 30 or 40 years away for trains, and for them to be utilised in GB would mean raising all the platform heights, dealing with curved platforms and so on. Humps do offer a solution in certain circumstances. The Welsh Government have put a lot of money into funding them. Colleagues in Scotland are also utilising them. They enable stations where there may not be staff to give more autonomous access to rail, and enable people to get on board.

The Chairman: Thank you both very much for your evidence. If there is anything else you would like to send us, please do. I hope you will continue doing all you can to help the disabled get the access that they so very much need on the buses and trains that you are dealing with. Thank you very much indeed.