

# Petition: Ensure disabled people can access public transport when they need it

Y Pwyllgor Deisebau | 11 Hydref 2016  
Petitions Committee | 11 October 2016

## Research Briefing:

Petition number: P-5-710

Petition title: Ensure disabled people can access public transport when they need it

Text of petition: We call on the National Assembly for Wales to urge the Welsh Government to ensure that [young] disabled people get the right to accessible public transport when required without the need to plan assistance at least 24 hours in advance. This will then give us the ability to be independent, seek employment, travel to work and meet friends at short notice. Whizz-Kidz Ambassadors are also campaigning to get essential training for taxi and bus drivers as well as train staff in disability awareness and disability support.

## Background

Accessibility of public transport is a matter for the Secretary of State for Transport, and anti-discrimination legislation is not a devolved matter. However, the Welsh Government and other relevant public authorities are required to act in accordance with the public sector equality duty under s149 of the *Equality Act 2010*, and the Welsh Government has significant powers and responsibilities in relation to many, if not all, forms of public transport.

## Rail Services

Rail franchising is not currently devolved. However, the Welsh Government is responsible for the day to day management of the Wales and Borders Rail Franchise, including the funding of services within Wales (“Wales only services”), and those which start or finish in Wales (“Welsh services”).

The Welsh and UK Governments are currently negotiating devolution of executive powers to procure the next Welsh rail franchise from 2018. Powers are expected to be devolved from 2017, and the Welsh Government has begun preparations for the next franchise.

The rail regulator, the Office of Rail and Road (ORR) requires all licensed train and station operators to draw up and comply with a Disabled Person's Protection Policy (DPPP). The ORR has published [guidance on writing DPPPs](#) (PDF672 KB).

Compliance with licensing requirements is a matter for the ORR, which is also responsible for enforcing compliance with DPPPs. In terms of training, [ATWs the DPPP](#) says:

Training is provided for staff to identify and assist passengers with additional needs and we will continuously improve the way services and facilities are delivered to all passengers.

In terms of assistance to passengers, the DPPP says:

We participate in Passenger Assist. This system enables older and disabled passengers to reserve a seat or wheelchair space on a train, to book assistance in advance and to buy tickets. As well as booking assistance for travel on ATW's services, we can help you to book assistance on journeys on the National Rail network where you are travelling with other train operating companies.

## Bus Services

While the Welsh bus market is deregulated, the Welsh Government develops bus policy which it implements largely through funding provided to local authorities to support bus services in their area.

The Welsh Government's [Bus Policy Advisory Group reported in June 2014](#) and considered issues related to disabled passengers in its report. In terms of disability awareness training, the report said:

We considered practical ways of ensuring that drivers are aware of the needs of disabled passengers. Drivers are already required to maintain their Driver Certificate of Professional Competence (DCPC) which includes some disability awareness, either provided in-house or externally procured. This advantage is that there is 100% participation and regular updating. There is potential for a Welsh module to be developed which would ensure consistency across Wales and reflect disabled people's concerns.

The group recommended:

- The introduction of an all Wales standard '[orange wallet](#)'-type scheme as soon as practicable, capturing existing best practice in smaller schemes around Wales.
- Further work to introduce a Welsh DCPC module on disability awareness be undertaken.
- A project to explore increased use of low cost digital technology to assist disabled people's use of public transport be established.

## Taxi services

While taxi licencing and regulation are handled at local authority level, they are not currently devolved. However, the Wales Bill currently before parliament will devolve powers over taxi and private hire vehicle licencing and private hire vehicle operator licencing to the Assembly.

The Department for Transport (DfT) published its most recent [guidance on taxi and private hire vehicle licensing](#) in March 2010. This considers accessibility issues in the context of the duties established by the then *Disability Discrimination Act 1995*, which has subsequently been repealed and consolidated with other legislation into the *Equality Act 2010*. On driver training it says at paragraph 15:

Local licensing authorities should also encourage their drivers to undertake disability awareness training, perhaps as part of the course mentioned in the training section of this guidance that is available through Go-Skills.

## Welsh Government action

### Strategic Equality Objectives

The Welsh Government published its [Equality Objectives 2016–2020: working towards a fairer Wales](#) in March 2016. The purpose of these is:

to strengthen the Welsh Government’s performance of the public sector equality duty and ensure the Welsh Government is making year on year progress in advancing equality and inclusion for all protected groups.

Objective 1 says Welsh Government will:

Put the needs, rights and contributions of people with protected characteristics at the heart of the design and delivery of all public services, in particular health and mental health services, education, housing, social services and transport. Specifically ensure support and tackle barriers to enable disabled people to enjoy their right to independent living and have voice, choice and control in their lives.

### Rail Services

In anticipation of devolution of executive powers to award the next rail franchise, the Welsh Government launched a public consultation, [Setting the Direction for Wales and Borders Rail](#), in January 2016. This consultation sought views on “how [Welsh Government] can most effectively fulfil the public sector equality duty under the Equality Act 2010”.

A [summary of consultation responses](#) has now been published. From an accessibility perspective this comments:

Disability groups told us that improvements to accessibility should also be built into the contractual arrangements. It was suggested that operators should be encouraged to develop a solution which enables disabled travellers to ‘turn up and go’, as currently many disabled passengers have to pre-book support in order to use the railway with confidence.

The Cabinet Secretary for Economy and Infrastructure made a statement giving an update on the [Wales and Borders Franchise and Metro Programmes](#) on 12 July 2016. In outlining the next stages in the process the Cabinet Secretary referred to a further public consultation:

The process will include a programme of engagement activities with stakeholders and, after we have a clear set of proposals for a new contract early next year, there will be a further formal public consultation. Subject to a successful process, we will award that contract at the end of 2017.

The Cabinet Secretary's letter to the Chair of the Petitions Committee draws attention to the fact that three quarters of stations managed by ATW within the Wales and Borders Franchise are unstaffed which "presents particular challenges to the train operator in Wales to maintain access to our rail services to disabled people and people with restricted mobility".

## Bus Services

The Welsh Government has [published guidance for local authorities and bus operators](#) which includes guidance on "Inclusivity and Accessibility of the Consultation Process on Changes to Transport Services in Wales".

Additionally, following the report of the Bus Policy Advisory Group the Welsh Government published [Voluntary Welsh Bus Quality Standards](#). It is the Government's intention that "operators not achieving the agreed core standard would not be entitled to apply for public funding made available from the [Bus Services Support Grant (BSSG)]", a key Welsh Government funding mechanism to support bus service which is administered via Welsh local authorities.

The standards comprise two levels: core requirements; and enhanced requirements. **Core requirements** must be met to maintain eligibility for BSSG. The accessibility requirements included are that:

- vehicles operated must be compliant with the *Public Service Vehicle Accessibility Regulations 2002* and any associated legislation; and
- audio / visual next stop information equipment is installed on vehicles acquired after 2015 and in use during passenger carrying journeys – this applies as a core requirement only on operators with 50 or more vehicles operating in Wales.

**Enhanced requirements** include a requirement related to the "proportion of drivers having completed Disability Awareness and Equality [Certificate of Professional Competence] module." Points are awarded according to the proportion of drivers meeting this standard. Achieving enhanced requirements should entitle operators to a premium payment from their local authority.

## National Assembly for Wales action

The Fourth Assembly's Enterprise and Business Committee undertook an inquiry into [Integrated Public Transport in Wales](#). In considering the "quality and accessibility" of public transport services in Wales it published evidence of what it described as "a catalogue of problems faced by disabled passengers in travelling on bus and train services in Wales". The report recommended that the Welsh Government revisit recommendations made by the

[Equality of Opportunity Committee](#) of the Third Assembly in its inquiry into the impact of Welsh Government policy on the accessibility of transport services for disabled people in Wales.

Subsequently, the Enterprise and Business Committee undertook an inquiry into [The Future of the Wales and Borders Rail Franchise](#) which reported in December 2013. The report highlighted evidence emphasising the importance of access for people with disabilities.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.