

Petition P-05-885: Accessible and Inclusive Public Transport for Citizens with Learning Disabilities in Wales

Y Pwyllgor Deisebau | 9 Gorffennaf 2019
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Research Briefing:

Petition number: P-05-885

Petition title: Accessible and Inclusive Public Transport for Citizens with Learning Disabilities in Wales.

Text of petition: We call on Welsh Government to ensure that all local authorities consult with people with learning disabilities before there are any changes to bus services/ bus routes in Wales. This includes changes to bus stops.

We also call on the Welsh Government to extend the Concessionary Travel Pass to local railway services, in areas which have few bus services. These measures are essential if we want to prevent people with learning disabilities from being isolated within Welsh society, empower them to live as active and equal citizens in Wales and to access the services needed to fulfil their own wellbeing outcomes, as promoted in the Social Services and Well Being (Wales) Act.

The response from the Welsh Government on this petition had not been received at the time this briefing was being finalised.

Background

Welsh Government Equality Obligations and Public Transport

Under the terms of the *Wales Act 2017* the provision for disabled persons' access to public transport remains the responsibility of the UK Government. However, wider legislative provisions and Welsh Government policy establish a range of duties.

The *Government of Wales Act 2006* (as amended), requires the Welsh Ministers to make appropriate arrangements to secure that they exercise their functions with due regard to the principle that there should be equality of opportunity for all people.

The *Equality Act 2010* ('the 2010 Act') requires public authorities, including the Welsh Ministers, to consider the need to eliminate discrimination when exercising their functions, and to advance equality of opportunity for people [with protected characteristics](#).

The Welsh Government published [accessible and inclusive public transport objectives](#) in December 2017. These comment:

The Equality Act 2010 makes provision for disabled persons' transport in relation to taxis, public service vehicles and trains. Whilst under the terms of the new devolved settlement for Wales set out in the Wales Act 2017, these matters will remain the responsibility of the UK Government, the Welsh Government will continue to deliver public transport improvements in fulfilment of our wider statutory and moral obligations to the people of Wales.

The document goes on to draw attention to the fact that the *Well-being of Future Generations (Wales) Act 2015* 'recognises that we need to adopt a more joined-up approach as we seek to improve the delivery of public services to the people of Wales'. It also highlights that the Welsh Government is committed to 'observe' the [UN Convention on the Rights of Persons with Disabilities](#).

Provision of bus services and infrastructure

Local authorities are not currently responsible for changes made to most bus services. Under the current statutory framework, which establishes a deregulated bus market in Britain outside London, a significant majority of bus services are planned and delivered commercially by bus companies.

Part IV of the *Transport Act 1985*, which introduced deregulation, imposes a duty on local authorities to secure the public passenger transport it considers appropriate to meet public transport requirements which would not otherwise be met (i.e. subsidised services in the absence of commercial services). However, local authorities are normally only able to subsidise services where they are not provided by the market. If a commercial service is in operation local authorities have limited ability to procure subsidised services.

Bus operators may register and deregister bus services with the Traffic Commissioner, usually with 56 days' notice. The Welsh Government's accessible and inclusive public transport objectives document makes clear that:

About three quarters of the routes operated are registered by bus companies on a commercial basis, whilst the remaining local bus services are contracted by local authorities to provide services which would otherwise not be provided.

However, local authorities are generally responsible for the provision of bus infrastructure – including bus stops and stations.

All Wales Concessionary Fares Scheme

The Welsh Government introduced the UK's first nationwide concessionary fares scheme in 2002. The Welsh Government's [concessionary bus travel scheme guidance](#) makes clear that people with 'learning disabilities' are eligible for a pass. 'Companions' are also entitled to passes where the passholder requires:

... the extra help that a companion has to provide to enable them to travel by bus, beyond the ordinary responsibilities that would be expected of an accompanying person.

The petition calls for 'the Welsh Government to extend the Concessionary Travel Pass to local railway services, in areas which have few bus services'. Concessionary passes may [currently be used on TfWRail services](#) on certain routes, in some cases this is limited to certain times of the year. Passes may be used on the following routes:

- Wrexham – Hawarden Bridge;
- Machynlleth – Pwllheli (Cambrian Coast line) – October to March only;
- Llandudno – Blaenau Ffestiniog (Conwy Valley line); and
- Shrewsbury and Llanelli/Swansea (Heart of Wales Line) – October to March only.

Welsh Government action

The Welsh Government has undertaken a review of learning disability services – [Learning Disability: Improving Lives Programme](#). It states on page 4 (emphasis added):

Challenges were also identified which will enable services to be strengthened. These were in particular to:

- Have the information/data required to be able to plan services both accurately and appropriately, and thereby meet the needs of people with a learning disability. This also includes ensuring that information is presented in easy read formats and the terminology used reflects stakeholder choice;
- **Ensure the voices of people with a learning disability and their families and carers are listened to and acted upon across public services;**
- Ensure when standards are set in services and outcomes monitored and evaluated, the needs of people with a learning disability are considered; and
- **Strengthen transport services so they are designed to meet the needs of people with a learning disability wherever possible."**

Page 21 includes a table with a list of recommendations linking to the above, including:

Transport – ensure action through the transport panel for vulnerable people to enable accessible services appropriate to the needs of people with a learning disability.

From October 2018 to January 2019, the Welsh Government consulted on [Action on Disability: The right to Independent Living](#). Page 25 of the consultation document states:

The accessibility and availability of public transport was the issue raised most often by disabled people during the engagement process. This affected the ability of disabled people to use public transport

independently but travel training could assist with this, at least where transport is available. They said that being able to get about in the local community and further afield has an impact on the ability to take up employment, to get to appointments, access to leisure and public services, or simply to meet up with family and friends. The lack of room on buses for several disabled people to travel at one time is an issue as is the spontaneous travel by train if you are a wheelchair user as assistance has to be booked in advance.

The Action on Disability: The Right to Independent Living Action Plan, attached as an annex to the consultation document, states (Page 12):

“We will:

Improve accessibility to public transport for disabled people by:

.....

Monitoring the accessibility of local bus services following introduction of the voluntary bus quality standards as part of the monitoring arrangements in place for payment of the Bus Services Support Grant;

.....

Working with our Accessible Transport Panel to develop outcome focussed objectives, with specific actions that are designed to improve accessibility and inclusion across the public transport network in Wales.

As noted above, the Welsh Government published accessible and inclusive public transport objectives in December 2017, which include:

- Objective 1: ‘Disabled people are able to make successful door-to-door journeys on demand and on the day of travel’;
- Objective 5: ‘Passengers are more involved in the design, development and improvement of transport services and infrastructure’; and
- Objective 6: ‘Public Transport is an accessible and affordable mode of transport’.

The Welsh Government published [voluntary Welsh bus quality standards](#) (second edition) in December 2017. Bus operators are required to meet the ‘core requirements’ of the standards in order to claim funding from the Welsh Government’s Bus Services Support Grant. These do not include obligations to engage with passengers in planning service changes, though they do require drivers to have completed disability and equality awareness training.

National Assembly for Wales action

The Assembly has recently considered issues related to transport for people with disabilities, for example the Equalities, Local Government and Communities Committee completed evidence gathering as part of its [Inquiry into the Blue Badge Scheme in Wales](#). However, there has been limited consideration of the specific issue of local authority engagement with people with learning difficulties when changes to the bus network are planned.

The Petitions Committee has of course published [Ensure Disabled People Can Access Public Transport as and When They Need It \(P-05-710\) – Report on the Consideration of a Petition](#) in October 2017. In that case the young people who submitted the petition gave evidence making particular reference to the needs of people with learning difficulties.

In terms of the use of concessionary passes on rail services, there was significant interest from Members during the procurement of the new TfWRail franchise (awarded in the summer of 2018) in whether the use of concessionary passes would continue under the new contract. For example, in May 2018 Janet Finch-Saunders AM tabled [a written question on the future of the concessionary rail scheme](#) to which the then Cabinet Secretary for Economy and Transport responded:

The concessionary rail fares scheme will continue on the same routes for the same periods until the end of the current franchise in October. The specification for the future rail services contract from October 2018 includes the provision of the current scheme, as a minimum.

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.