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25 February 2012

Dear stakeholder

Implementation of the Equality Act 2010 at the Office of Rail Regulation

1. Under the Equality Act 2010 all public bodies must, by 6 April 2012, publish Equality Objectives. ORR's duties under the Equality Act cover our role both as an employer and as the safety and economic regulator of railways in Great Britain. They do not change our duties under the Railways Act 1993 and health and safety law, but we must consider our new equality duties alongside those wider duties.
2. We have drafted some equality objectives that underpin our commitment to the Equality Act 2010, the principles of equality and diversity, and our continued efforts to eliminate discrimination and promote equality of opportunity. We are looking for any views that you may have on these objectives and how they meet equality needs. We will take your views into consideration when finalising the objectives for submission to the Equality and Human Rights Commission in accordance with the Equality Act 2010.

Background

3. **ORR** is the combined safety and economic regulator for Britain's railways.
4. As the health and safety regulator of the railway industry, our principal function is to secure the safe operation of the railway system, and to protect users, workers and members of the public from health and safety risks arising from rail operations. Our principal safety functions are:
 - Enforcement of health and safety legislation including European interoperability requirements
 - Health and safety reporting
 - Accident and incident investigation
 - Regulation and certification
 - Inspections and audits
 - Safety guidance and research
5. As the economic regulator of the railway industry, our principal economic functions include:
 - Regulating Network Rail's stewardship of the national rail network, and setting its outputs and funding based on what government wants from the railways and how much money it has available
 - Licensing operators of railway assets
 - Setting the terms on which train operators use track, stations and light maintenance depots

- Investigation of potential breaches of competition and consumer law in relation to the railways
6. Currently regulation of services provided to passengers by train operators, and the fares charged, is by government, not ORR. There are proposals for ORR to play a bigger role in the regulation of franchised passenger train operators. ORR and the Department for Transport have opened a joint consultation on the transfer of some responsibilities including a wider role for ORR in Passenger Complaint Procedures and Disabled People's Protection Policies¹.
7. **The Equality Act 2010** (EA 2010) reforms and harmonises equality law.
8. EA 2010 affects all employers, bringing together the legal requirements on equality that private, public and voluntary sectors need to follow. It defines protected characteristics² and prohibited conduct³.
9. EA 2010 also affects ORR as a regulator. It does not change ORR's functions. But, as a public body, ORR must show due regard in the exercise of its functions to the need to:
- Eliminate discrimination, harassment and victimisation
 - Advance equality of opportunity
 - Foster good relations

Objectives

10. By 6 April 2012, and at least every four years thereafter, ORR must publish Equality Objectives. These must be specific and measurable, and ORR will report on progress against these objectives in its annual report.
11. On the basis of both ORR's current functions, and potential additional functions, we have proposed some draft objectives. We seek your views on these, in your capacity as an industry stakeholder.
12. We propose an 'umbrella' objective encompassing the ORR's regulatory work and EA 2010, to distinguish it from the internally focused objectives relating to ORR as an employer. Beneath this, we intend to specify some more detailed objectives. These may be updated and added-to as required: in particular, we plan to establish quantitative measures in the first instance, against which we will be able to target and measure progress. We will also review them if ORR takes on additional functions following the consultation currently under way.

Overall objective: to imbed the Equality Act 2010 within the regulatory work of ORR

- Work with industry to ensure that incident and risk monitoring tools reflect where safety incidents (including assaults) include individuals with protected characteristics.
- Work with stakeholders to establish a consistent and common reporting procedure for passenger and workforce complaints relating to discrimination and harassment, showing protected characteristics and prohibited conduct.
- Monitor and enforce compliance with Disabled Passenger Protection Policies (DPPPs) through station and passenger train licences, and with the other regulations that we enforce covering passengers with reduced mobility.

¹ Consultation open until 2 March 2012. Document at <http://www.rail-reg.gov.uk/server/show/ConWebDoc.10752>

² Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation

³ Direct discrimination, indirect discrimination, harassment, victimisation.

- Work with stakeholders (Passenger Focus, DiPTAC, and organisations representing groups with protected characteristics) to monitor passenger experiences.

13. Any thoughts you have on these draft objectives are welcome.

14. Please send your comments to

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15. If possible, please submit your comments by 31 March 2012. Comments received after this date are still welcomed, but may not be included in consideration for the initial publication of our objectives.

Yours,

A handwritten signature in blue ink, appearing to read 'Michael Beswick', written in a cursive style.

Michael Beswick
Director, Rail Policy