



OFFICE OF RAIL AND ROAD



IMPROVING DELAY COMPENSATION AND ACCESSIBILITY FOR PASSENGERS ORR'S ADVICE TO THE WILLIAMS RAIL REVIEW



Improving delay compensation and accessibility for passengers: ORR's advice to the Williams Rail Review

This document is the Office of Rail and Road's submission to the Williams Rail Review. It is in response to a request from Mr Williams, made in February 2019 at the annual Bradshaw address:

"We need to do more on making it easier for customers to access the compensation they are entitled to and improving accessibility for all users, including disabled people. I've asked the ORR to advise me on what more could be done by rail operators to improve this, and whether more regulatory powers are required to ensure that it happens. They will report back within the timescale of the Review recommending action to help transform compensation and accessibility across the network."

This document contains a foreword, with a summary of the evidence and proposals, followed by sections on compensation and accessibility. Further evidence and analysis is provided in Annexes, available [on the ORR website](#).

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Foreword

1. Public trust in rail matters. The evidence already assembled by the Williams Rail Review shows that despite passenger satisfaction rates being relatively high when compared across Europe, trust is low and distrust among passengers has worsened in recent years. As ORR's inquiry into the May 2018 timetable changes showed, the disruption led to serious losses of confidence and trust.

2. We welcome Keith Williams' call to put customers at the heart of the railway system, and his specific invitation to ORR to provide advice on what more can be done

to make it easier for passengers to access the compensation they are entitled to and improve accessibility for all users, including disabled people. We agree the railway must be simple and easy to use for passengers. Compensation is important to help provide a tangible acknowledgement where the industry has fallen short of expectations. Accessibility matters whether you have mobility difficulties, a non-visible disability, or are carrying heavy luggage or travelling with young children. Both areas are integral to

passenger experience and trust in rail travel.

3. As we show in our annual Measuring Up consumer report, also published today, there has been some good progress by industry in both of these areas. The number of journeys made by people with mobility needs is increasing, and in the past year we have seen positive initiatives, such as the establishment of the rail ombudsman to oversee complaints, and the development and trial of an accessibility maturity model. However, we want to see faster progress towards consistently high standards right across the rail network.

4. The urgency of making improvements to compensation arrangements and accessible travel is growing. Across all sectors, society's expectations are rightly very different from a decade ago, reflecting the greater awareness of the accessibility needs of different individuals, changing demographics and travel patterns, and the many opportunities presented by new technology. If we consider the rail customers of tomorrow, these high expectations will only grow. Taking decisive action now is an essential step to restore trust and to prepare the railway for the future.

5. The reports we are publishing today are based on an analysis of the evidence, gathered as part of our regulatory monitoring. This helps us to take a wide view of the numerous factors that affect compensation arrangements and accessible rail travel. For example, we publish an accompanying review of the growing market of third-party intermediaries that can provide compensation services, and consider the place of such technology in helping passengers get the compensation that is due.
6. We have considered changes that can and should happen in the short term, as well as longer-term reforms. Our conclusions set out actions that ORR is already taking or can immediately initiate; recommendations on other parties; and advice identifying those areas where there needs to be further consideration as part of the wider conclusions of the Williams Rail Review.
7. As an immediate step to start restoring passenger trust, we are proposing to consult on introducing new delay compensation requirements for train operating companies, and we will shortly be launching our new Accessible Travel Policy guidance. These measures will help establish common

standards that apply right across the network, so that all passengers would benefit. By using train operator licences as a mechanism for establishing and enforcing minimum standards, our proposals allow for a consistent and transparent benchmark of minimum standards for all passengers, no matter where they travel on the network. This can set a baseline for operator performance, whilst providing room for operators to improve and innovate. Strong, independent regulatory oversight will provide assurance of performance, and foster public confidence that

operators are making the required improvements.

8. We recognise that some operators may have concerns about certain recommendations. The new Accessible Travel Policy proposals have already been subject to industry-wide consultation and follow-up discussion with individual operators, and we have made appropriate adjustments to reflect comments from operators on cost, practicability and timescales. We will adopt a similar approach for our proposed licence condition on compensation, and will take comments from industry, government and passengers into account

as we take this forward. We also recognise that some proposals are contingent upon the decisions and recommendations made by the Williams Rail Review on broader questions of industry structure and funding, and have reflected this where appropriate in our submission.

9. With support from industry in adopting our new proposals for delay compensation and accessibility, the changes can be made quickly within the existing regulatory framework. ORR's statutory independence, and our role in balancing the potentially conflicting interests of users,

funders, and commercial businesses involved in the railway, mean that ORR is well placed to act as the independent judge of when and how it is appropriate to take action against train companies that do not meet the standards.

10. We have also made proposals in areas where ORR does not have a formal role, or the ability to take direct action., we are calling for improvements on the part of Rail Delivery Group (RDG), and – noting the recent commitment to an additional £20 million fund for accessibility

improvements¹ - a review of the appropriate level of funding for the aspirations set out in the government's Inclusive Transport Strategy. If these recommendations are accepted, active monitoring and reporting of progress will be crucial.

11. Finally, we recognise that there are difficult trade-offs which need to be considered as part of the wider Williams Rail Review recommendations, and we provide advice on key issues that should be considered further, such as the absence of direct commercial incentives for the industry to make improvements.

¹ <https://www.gov.uk/government/news/20-million-fund-marks-one-year-on-from-the-inclusive-transport-strategy>

12. In summary, we are confident that with a concerted effort across industry, significant improvements are possible to both passenger delay compensation and accessible rail travel. Swift action is necessary to begin reversing the decline in passenger trust, and beyond this, sustained reforms will be essential to make sure the railway is fit for the future.



A handwritten signature in black ink, appearing to read 'John Williams'.

John Larkinson
Chief Executive,
Office of Rail and Road

Summary of proposals: Delay compensation

Proposal	Action	Recommendation	Advice
Short-term proposals			
1. Consult on the introduction of a delay compensation licence condition and Code of Practice (CoP) (p20)	ORR: to consult by Spring 2020		
2. CoP: requirement to inform passengers when eligible for compensation (p20)	ORR: to consult by Spring 2020		
3. CoP: publish quarterly data on performance (p21)	ORR: to consult by Spring 2020		
4. CoP: process claims within	ORR: to		

20 working days (p21)	consult by Spring 2020		
5. CoP: to accept claims from authorised parties (p22)	ORR: to consult by Spring 2020		
6. CoP: to accept claims from third-party retailers (p22)	ORR: to consult by Spring 2020		
Medium term proposals			
7. Greater harmonisation of compensation schemes (p25)		Government	
8. Transport Focus national delay compensation campaign (p25)		Transport Focus	
9. Move towards automated,		Train operators	

(one-click) compensation process (p26)			
10. Standardised claim form and single portal for claims (p26)		Train operators and Transport Focus: claim form RDG: single portal	
11. Automatic compensation (no-clicks) (p27)		Government, industry	
Long-term proposals			
12. Ring fencing of compensation funds (p29)			Government

Summary of proposals: Accessibility

Proposal	Action	Recommendation	Advice
Short term proposals			
1. Improving the reliability of assistance for passengers (p38)	Industry: trial reliability improvement (Aug 19)		
2. Development of criteria to support a whole-system approach to accessibility (p41)		Disabled Persons Transport Advisory Committee (DPTAC)	
3. Delivery of the new RDG Passenger Assist system (with staff App). (p42)		RDG / industry: staff App June 20 passenger App autumn 20	
4. Requirements to strengthen staff accessibility training (p43)	ORR: new ATP ² Guidance (July 19)		

² Accessible Travel Policy (formerly Disabled People's Protection Policy)

Proposal	Action	Recommendation	Advice
5. Requirements to improvement accessible journey planning (p44)	ORR: new ATP Guidance (July 19)		
6. Requirement for common branding for assisted travel services (p46)	ORR: new ATP Guidance (July 19)		
7. Requirements for phased lowering of maximum notice period for booking assistance (p46)	ORR: new ATP Guidance (July 19)		
8. Requirement for redress for booked assistance failures (p47)	ORR: new ATP Guidance (July 19)		

Proposal	Action	Recommendation	Advice
9. Review terms of reference for Access for All (p48)		Access for All Board (AfA)	

Summary of proposals: Accessibility (continued)

Proposal	Action	Recommendation	Advice
Medium term proposals			
10. Review accessibility funding levels, channels, and eligibility criteria (p50)			Government
11. Funding to deliver Phase 2 of the RDG Passenger Assist system (p51)		RDG / industry	
12. Set regulatory targets for assistance and service quality (p52)	ORR: when Passenger Assist Phase 2 in place		

13. Ticket purchase / assistance booking as single process (p52)			Williams Review alignment with RDG integration of systems
14. National strategy to promote assisted travel (p53)		Transport Focus	
15. Use of commercial incentives in accessibility (p55)		Williams Review	
16. Consider a universal service obligation for assisted travel (p55)		Williams Review	
Long term proposals			
17. Review of rail vehicle		Government: within 6 years	

accessibility standards (p56)			
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Section A: ORR submission on delay compensation

Purpose of this report

This document forms part of the Office of Rail and Road's submission to the Williams Rail Review. It is in response to a request from Mr Williams, made in February 2019 at the annual Bradshaw address:

"We need to do more on making it easier for customers to access the compensation they are entitled to and improving accessibility for all users, including disabled people. I've asked the ORR to advise me on what more could be done by rail operators to improve this, and whether more regulatory powers are required to ensure that it happens. They will report back within the timescale of the Review recommending action to help transform compensation and accessibility across the network."

This document focuses on compensation, and stands alongside our separate submission on accessibility.

Executive summary

1. When passengers buy a ticket they enter into a contract with the train operator which covers, among other things, compensation when their journey is delayed beyond a certain length of time. Providing compensation when a passenger has experienced a delay to their journey, regardless of who was at fault for the delay, is one way in which the train operator is able to demonstrate to the passenger that it recognises that they have failed to provide the service that the passenger required. In this respect compensation forms a crucial part of the offer to passengers, it builds trust, ensures that passengers' interests are protected and that they are treated fairly.
2. However, it is clear that there is more to do to ensure that passengers are aware that they can claim delay compensation, and that when they choose to do so the processes involved are swift and easy to use.
3. Train operators have made efforts to increase the number of passengers claiming and to close the 'compensation gap'; the difference between the number of passengers who could claim and the number that do so. Improvements to the claims process have also been made as a result of the measures introduced by ORR in

its response³ to the Which? super-complaint in 2016. However, despite these efforts only one third of passengers claim the delay compensation to which they are entitled.

4. There is now a substantial evidence base in this area, which helps to identify the factors that are hampering passengers' access to compensation. This identifies issues around: awareness of the right to claim delay compensation; unnecessary or perceived complexity in the claims process (relative to the compensation the passenger can expect to receive) and the absence of a strong incentive on train operators to promote compensation widely and consistently to passengers.

³ https://orr.gov.uk/_data/assets/pdf_file/0009/21141/which-super-complaint-response-report.pdf

Summary of proposals

5. The Williams Rail Review asked what more could be done by train operators to make it easier for customers to access the compensation they are entitled to, and whether more regulatory powers are required to ensure that it happens.
6. This was a timely and welcome request and in responding we have set out a number of short, medium and long-term reforms that are targeted at the key areas for improvement outlined above. These reforms are designed to make passengers aware of their entitlement to compensation and empowered to make a claim.

Short-term reform – Rights and obligations on parties

7. We propose to consult on the introduction of a new delay compensation licence condition. Through this train operators could be required to:
 - Comply with a new cross-industry 'Compensation Code of Practice' setting out a baseline for performance designed to raise standards across all operators and a bar for them to seek to exceed;
 - provide information to passengers about delay compensation entitlement during and at the end of the journey;

- publish delay compensation performance data;
- process claims for delay compensation within 20 working days; and
- accept claims from third-party intermediaries (TPIs), including online ticket retailers, who operate to a new self-regulatory 'TPI Code of Conduct'⁴.

Medium-term reform – Modernisation of ticketing and compensation arrangements

8. We propose measures which could be taken at a national level to introduce:

- harmonisation of compensation schemes under a common national brand;
- a Transport Focus led delay compensation awareness campaign;
- maximised automation of the claims process – including 'one-click' compensation;
- a standardised compensation claim form (web form and paper form) and single streamlined system for all passengers including those at risk of digital exclusion; and
- how automatic compensation might fit within the wider industry changes introduced as a result of the Williams Rail Review and the compensation

⁴ See Annex A: ORR Market Review of TPI providers in rail compensation

landscape as it then exists for leisure, commuter and business travellers.

Long-term considerations – the purpose of compensation arrangements within the future framework of passenger services

9. We advise the Williams Rail Review to consider the appropriate purpose of compensation within the future framework of passenger services it is developing, including:

- whether operators should retain the revenue risk from claims and the potentially perverse incentives that this creates or whether compensation could be administered differently;
- whether the ring-fencing of compensation funds, alongside additional incentives to proactively raise awareness, could increase claims; and
- whether a proportion of unclaimed compensation funds could be diverted to passenger improvements such as accessibility (acknowledging the need to avoid introducing unintended consequences with such a move).

10. We consider that the package of reforms we have set out above will better protect the interests of passengers as well as promoting positive behaviours

amongst train operators. Nonetheless, we recognise that some of these reforms are contingent on the wider industry changes being considered by the Williams Rail Review and how government will choose to prioritise compensation in decision-making given the impact of costs on passengers and taxpayers, other competing priorities and the need to consider wider societal benefits.

The purpose of passenger delay compensation

11. When passengers buy a ticket they enter into a contract with the train operator which covers, among other things, compensation when their journey is delayed beyond a certain length of time. Providing compensation when a passenger has experienced a delay to their journey, regardless of who was at fault for the delay, is one way in which the train operator is able to demonstrate to the passenger that it recognises that they have failed to provide the service that the passenger required.
12. Compensation forms a crucial part of the offer to passengers, it builds trust, and ensures that passengers' interests are protected and that they are treated fairly. This is important in a sector where competitive market pressures are limited and passengers may be unable to respond as they might to instances of poor service by seeking an alternative train service provider.
13. The train operator provides a one-stop-shop for the passenger when claiming delay compensation. It processes the claim, and pays the delay compensation directly to the passenger regardless of the cause or who was at fault for the delay e.g. the train operator itself, another train operator, or Network Rail. Claims for delay compensation also do not have to be considered on a

case-by-case basis for example for an assessment of the “appropriate” amount of compensation.

14. The industry’s shared objective should be that all passengers are aware of their entitlement to delay compensation when they have experienced a delay, and understand how long the delay must be before delay compensation is due. If passengers choose to claim, the process for doing so must be swift and easy to access and simple and straightforward to use, with minimum effort required to submit the claim.

Progress towards meeting this objective is underway with some localised instances of good practice emerging. Transport Focus has recently shared with train operators some examples of positive practices they have identified across the industry following a high-level review largely focused on website information⁵. A small proportion of passengers, for example, are also already benefiting from automatic - or more automated - forms of compensation where smartcards are in operation or tickets have been bought in advance and passenger contact details are known⁶. Evidence indicates this has led to an increase in the uptake and disbursement of delay compensation. However, these improvements have been slow to emerge and have not been replicated universally across the network.

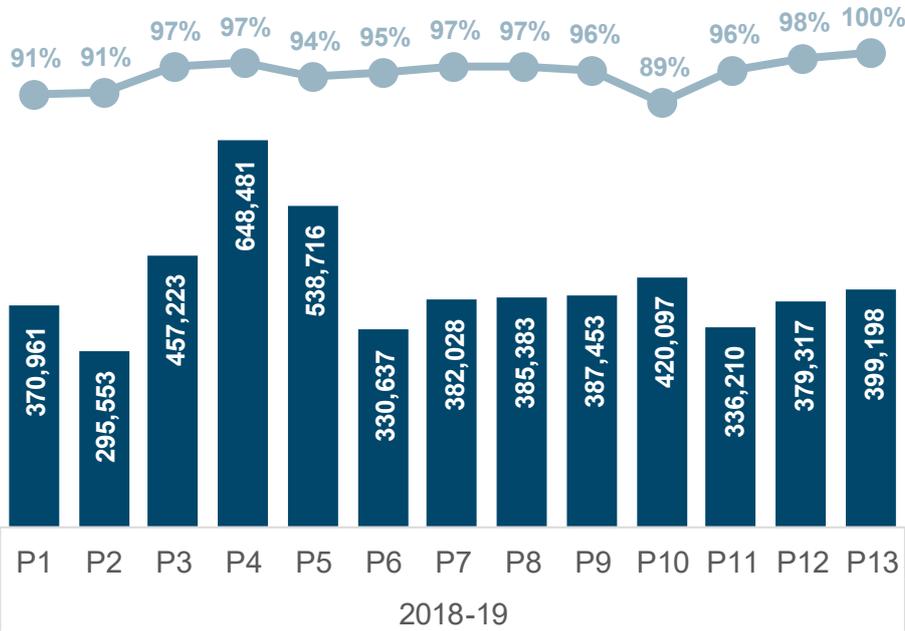
⁵ <https://www.transportfocus.org.uk/home/rail-review-2018/>

⁶ <https://www.southernrailway.com/help-and-support/journey-problems/delay-repay-compensation/auto-delay-repay>

Compensation - key statistics

Delay compensation claims and response within 20 working days

2018-19



Financial year and rail period

■ Claims closed ● Percentage closed within 20 workings days

There were **5.3 million** delay compensation claims closed by train operators in 2018-19.

Overall **95.4%** of delay compensation claims were closed within 20 working days in 2018-19.

Of those claims closed, **83.6%** of claims were approved by the train operators in 2018-19.

Note: A spike in delay compensation claims during period 3-5 was due to the impact of the Timetable Change during May 2018 (end of period 2)

Eligibility for delay compensation

2018

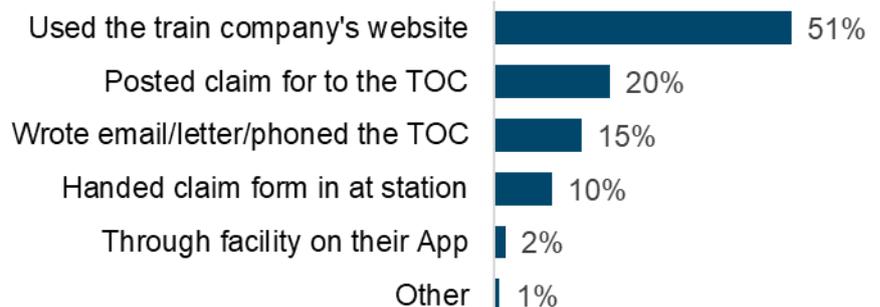


45% of passengers had a delay eligible for compensation in the last six months.

Method for claiming delay compensation

2018

Half of claims made online, but almost a third still reliant on paper claim form



Proportion of those eligible who made a delay compensation claim

2018



39% of eligible passengers delayed for 30 minutes or more claimed compensation.



18% of eligible passengers delayed for 15 minutes or more claimed compensation.



4 percentage points higher than 2016.

(No comparable data to 2016)

Sources:

- Delay compensation claims and response within 20 working days: Train Operating Companies ([data tables](#))

- Eligibility for delay compensation and method for claiming delay compensation: [Rail Delays and Compensation 2018](#), Department for Transport

Background

15. A number of compensation schemes operate across Great Britain. Depending on which train operator passengers travel on, the primary means through which they claim compensation is Delay Repay (DR). DR15 compensates passengers for a delay of 15-29 minutes, while passengers are eligible for DR30 when they are delayed by 30 minutes or longer.
16. The weakness of the current delay compensation arrangements, from a passenger perspective, is that only a minority of passengers receive the compensation to which they are entitled. The main metric ORR uses to track progress in this area is the 'compensation gap'. This refers to the difference between the number of passengers eligible to receive delay compensation relative to the number of passengers who actually receive it. Data indicates that around one third of passengers who experience a qualifying delay receive the delay compensation to which they are entitled.
17. Evidence shows that the main reasons for this gap are that a majority of passengers are unaware of their entitlement to claim, and even when passengers are made aware that they can do so, there can be a perception that the claims process is too onerous

relative to the compensation the passenger can expect to receive.

18. Our role in relation to delay compensation is currently limited and compensation arrangements themselves are not set out in or subject to ORR's licencing regime. Existing compensation schemes are designed and mandated by government through contracts agreed with train operators. Because the franchising process is staggered, and franchise agreement requirements have been strengthened over time the arrangements for delay compensation may vary between operators according to when the contract was agreed between the two parties.
19. However, in our response to a Which? super-complaint in 2016⁷ we introduced a number of measures to improve train operators' compensation claims processes. These included the introduction of five standards identified as good practice. The progress made by train operators in these areas has been published in our Annual Consumer Report⁸, 'Measuring Up', which shows improvement to almost every aspect of the claims process since 2016. Our guidance on meeting the 'passenger information' licence condition was also updated to recognise that giving passengers

⁷ https://orr.gov.uk/data/assets/pdf_file/0009/21141/which-super-complaint-response-report.pdf

⁸ https://orr.gov.uk/data/assets/pdf_file/0003/28245/measuring-up-annual-rail-consumer-report-july-2018.pdf

good information about compensation in the event of delay is accepted as an important component of the overall passenger experience⁹.

20. Subsequently train operators have self-reported¹⁰ to DfT on the efforts they have taken to increase passenger awareness of compensation. Nonetheless, whilst some progress has been made, these measures have failed to deliver a significant increase in the percentage of passengers who claim. According to research¹¹ commissioned by DfT and Transport Focus, the percentage of eligible passengers who claimed delay compensation stood at 35% in 2018; a figure which was unchanged from 2016 – albeit within this there is significant variance between the claiming for a delay of 30 minutes or more, under DR30 schemes, (39%), and 15-29 minutes (18%) under DR15 schemes.

21. Delay repay already exceeds the levels of compensation set out in the National Rail Conditions of Travel (NRCoT) and similar regulation that exists in Europe¹². Our work on the super-complaint compared both the volume and the value of the compensation payments made by train operators. The findings

⁹ https://orr.gov.uk/_data/assets/pdf_file/0015/4353/information-for-passengers-guidance-on-meeting-the-licence-condition.pdf

¹⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745515/passenger-compensation-train-companies-actions-to-raise-awareness.pdf

¹¹ <http://d3cez36w5wymxi.cloudfront.net/wp-content/uploads/2018/10/09181728/Rail-delays-and-compensation.pdf>

¹² EU Rail Passengers' Rights and Obligations ("PRO") Regulation (EC 1371/2007)

indicated that estimates of the compensation gap based on the value of pay-outs showed a considerably smaller compensation gap than estimates based only on the volume of pay-outs (i.e. those passengers eligible to claim compensation are doing so where the value of their claim - the reward - is anticipated to be higher).

22. Subsequent research also shows that the proportion of passengers claiming compensation is strongly correlated to the price of their ticket¹³; only 25% of passengers claimed when the value of their ticket was less than £5 compared with 43% when it was greater than £5. When the delay a passenger experiences reaches 45 minutes or longer, the claim rate also increases appreciably, as does the likelihood of passengers claiming if they have experienced multiple delays of more than 30 minutes.

Passenger awareness

23. More than half of passengers who experience a qualifying delay either do not claim either because they did not think about it, or were unaware of their eligibility to do so¹⁴. This lack of awareness or confusion about eligibility may be exacerbated in some circumstances by the ongoing migration of some operators from DR30 to

¹³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751380/rail-delays-and-compensation-report-2018-revised.pdf

¹⁴ <http://d3cez36w5wymxj.cloudfront.net/wp-content/uploads/2018/10/09181728/Rail-delays-and-compensation.pdf>

DR15 compensation regimes; supported by the fact awareness (and by extension take-up) is lower for those eligible to claim under the DR15 scheme¹⁵.

24. More than a third of claimants cite the train operator's actions as the prompt for claiming, and almost one in five of this figure received information via announcements or from train or station staff¹⁶. It is therefore likely that where proactive steps are not taken by the operator to inform passengers of their eligibility for compensation, this will be reflected in the compensation gap.

Process of claiming

25. Complexity in the claims processes can also lead to passenger errors when submitting forms, which alongside possible confusion over eligibility can cause claims to be rejected. Across train operators, 16% of delay compensation claims in 2018/19 were not approved¹⁷. The number of separate pieces of information required, and inconsistency in the type of information sought by operators, can also make the claims process onerous and create a barrier to claiming;

¹⁵ <http://d3cez36w5wymxj.cloudfront.net/wp-content/uploads/2018/10/09181728/Rail-delays-and-compensation.pdf>

¹⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751380/rail-delays-and-compensation-report-2018-revised.pdf

¹⁷ ORR statistical release 27 June 2019.

more than 1 in 4 passengers who do not claim cite the time it would take or complexity as the reasons for not doing so¹⁸.

26. As indicated earlier, the higher the value of the ticket, the more likely the passenger is to claim¹⁹. If passengers weigh up the effort to claim relative to the amount of delay compensation that they are likely to receive, then it would be reasonable to assume that removing unnecessary or perceived complexity in the claims process should incentivise more passengers to claim.

Incentives on train operators

27. Open access operators play an important role in promoting competition on the railway and whilst there is competition between some franchise operators, network capacity means that competition between train operators on the same route may not always be practical. As a result the ability of passengers to 'vote with their feet' is often limited, which may in turn limit the commercial incentive on the train operator to proactively communicate to passengers their rights to delay compensation. In addition train operators build

¹⁸ <http://d3cez36w5wymxj.cloudfront.net/wp-content/uploads/2018/10/09181728/Rail-delays-and-compensation.pdf>

¹⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751380/rail-delays-and-compensation-report-2018-revised.pdf

the anticipated costs of delay compensation into franchise bids. With few exceptions²⁰, any money not spent on delay compensation also remains with the train operator.

²⁰https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/668663/south-western-railways-2017-rail-franchise-agreement.pdf

Proposals for reform

28. We have set out a number of short, medium and long-term reforms targeted at awareness, process and incentives. These are designed to make passengers aware of their entitlement to compensation and empowered to make a claim. These reforms will better protect the interests of passengers as well as promoting positive behaviours amongst train operators. Nonetheless, it is important to acknowledge that in many cases it will still ultimately be the passenger who will determine whether they want to claim compensation for a delay.
29. We also recognise that some of our proposed reforms are contingent on the wider industry changes being considered by the Williams Rail Review and how government will choose to prioritise compensation in decision making given the impact of costs on passengers and taxpayers, other competing priorities and the need to consider wider societal benefits.
30. We have grouped our proposed reforms as follows:
- Short-term reform: rights and obligations on parties;
 - Medium-term reform: modernisation of ticketing and compensation arrangements; and

- Longer-term considerations: purpose of compensation arrangements within the future framework of passenger services.

31. We have also sought to categorise each in accordance with our view as to its relative priority or stage of development, namely:

- **Action:** including the relevant party or parties, and timescales for implementation;
- **Recommendation:** changes which could add value but may require some additional development at this time to fully understand costs and benefits; and
- **Advice:** areas of potential change that are contingent on other changes.

Short-term reform: rights and obligations on parties

32. In our response to the Which? super-complaint we said that if our recommendations did not deliver the required improvement we would need to revisit this area. Below we have outlined plans to consult on the introduction of a new passenger train licence requirement encompassing compensation. It would confer new rights and obligations on the parties involved in passenger compensation arrangements. Our further development of these proposals is contingent on whether the recommendations made elsewhere by the Williams Rail Review do not themselves result in improvements for passengers through other means, such as a different approach to future rail passenger service contracts.
33. The regulatory licensing regime is designed to provide a consistent, long-term regulatory framework. Our advice is that such long-term, network-wide obligations are better established via the licence rather than contracts. Whereas contracts are negotiated individually, aim for commercial certainty and allow for more bespoke arrangements, licence conditions can establish a baseline standard which licence holders can seek to exceed and provide protection for passengers in key consumer areas. Where this baseline is not

achieved, licence conditions provide a clear route for regulatory action, including enforcement.

34. However, where performance consistently exceeds this baseline or future innovation delivers a better outcome for passengers, licence conditions can be amended or removed to reduce the burden of regulation where it is no longer required.
35. We have set out above the barriers to reducing the compensation gap, and there are public interest arguments for taking action to address this. A licence condition for compensation would align with our responsibilities in other consumer areas such as complaints, assisted travel, and passenger information, and provide for consistency in treatment between these regulatory obligations. It would allow greater transparency in the requirements placed upon train operators and what passengers should expect from them, as well as providing a set of obligations against which we could monitor compliance, and where necessary take enforcement action. It could be designed to deliver improvements in awareness of passengers' rights, processes for claiming compensation and incentivise train operators to provide better service to their passengers.

36. We are cognisant of the wider industry changes being considered by the Williams Rail Review. Nonetheless, we consider that a new licence condition could be established within 12 months. We would engage with the industry and the statutory consumer bodies as we undertake further analysis of the evidence available and develop the policy in this area. We would also conduct a public consultation to seek further views. The timescale set out above is contingent on train operators' constructive engagement on the development of the licence condition requirements should we proceed to introduce a new licence condition following consultation. If consent to the licence condition were not forthcoming from train operators, the current mechanism - subject to proposal for reform of the competition and consumer protection regimes from the Chair of the Competition and Markets Authority (CMA)²¹ - would enable us to refer the matter to the CMA in order to secure the necessary improvements for passengers.

37. The table below sets out the obligations on train operators which could be introduced following consultation as part of an over-arching licence condition

²¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781151/Letter_from_Andrew_Tyrie_to_the_Secretary_of_State_BEIS.pdf

on delay compensation together with the key themes identified above as affecting the take-up of delay compensation these obligations would seek to address.

SHORT TERM REFORM: Rights and obligations on parties – new licence condition	
Theme(s)	Awareness, Processes, Incentives
<p>1.A licence condition with an obligation to comply with a code of practice for delay compensation.</p> <p>Train operators could be required to comply with a code of practice for delay compensation (the code). We envisage that the content of the code would be subject to discussion with Transport Focus and London TravelWatch as the statutory consumer bodies prior to formal consultation, but as a minimum would set out information requirements designed to increase awareness of entitlement to compensation and how to claim, and making the process easy and straightforward for passengers to do so. The code would provide a flexible means to amend obligations on train operators where needed to reflect any future developments in compensation requirements.</p> <p>ORR would review compliance with the code through proactive random sampling, in response to issues</p>	

identified from its monitoring data, and matters referred from other bodies such as Transport Focus, the Rail Ombudsman and Which?.

The minimum standards in the code would establish a baseline for performance across all operators. It would allow individual train operators to innovate beyond the minimum to meet the needs of their passengers whilst ensuring that the performance of the poorest operators was raised.

The obligations which are highlighted - under 2-6 - below could form part of the licence condition and be detailed further in the code of practice.

ACTION:

As part of the development of the licence condition, ORR would discuss the content of the code of practice for delay compensation with Transport Focus and London TravelWatch prior to a public consultation.

2. An obligation to proactively inform passengers when delay compensation is due during and at the end of a journey, and the steps they need to take to make a claim.

More than one in three passengers who claim delay compensation cite the train operator's actions as the prompt for doing so²². The importance of the role of train operators in providing this information is further highlighted in DfT research²³ - announcements on the train or by staff; the claim form handed out on the train or at the station; and notifications by the train operator by email or text were the preferred means of being informed of eligibility by those who had and had not claimed.

Train operators would be expected to be able to demonstrate that this information has been provided to passengers. We recognise that demonstrating compliance with this requirement may be challenging. Therefore, to provide a greater degree of regulatory certainty the code would set out the sorts of tests we would apply when assessing compliance.

ACTION:

As part of the development of the licence condition and code, ORR would consult on the evidence requirements for providing information to passengers about their entitlement to delay

²²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751380/rail-delays-and-compensation-report-2018-revised.pdf

²³ <http://d3cez36w5wymxj.cloudfront.net/wp-content/uploads/2018/10/09181728/Rail-delays-and-compensation.pdf>

compensation during, and at the end, of a journey when it is due.

3. An obligation to publish quarterly data on performance.

Transparency and ownership of performance is a key way of building trust amongst passengers. An obligation on train operators to publish information would demonstrate that operators are taking responsibility publicly for their performance. It would incentivise those operators who are failing to meet the expectations of their passengers to make the necessary improvements. Similar arrangements already exist in other sectors for example energy.²⁴

The detailed publication requirements could be included in the code but as a minimum train operators would be obliged to publish their own data on their compensation performance. We envisage this would typically cover the volume of claims, speed of payment, and the volume of rejections.

Operators would be obliged to provide accompanying narrative to explain their performance. Where performance has fallen below a level set out in the code,

²⁴ <https://www.ofgem.gov.uk/consumers/energy-supplier-comparison-data/compare-supplier-performance-complaints>

the train operator could be required to conduct an audit or undertake specific passenger research.

ACTION:

As part of the development of the licence condition and code, ORR would consult on what key indicators and information could be published by train operators.

4. An obligation to process claims for compensation within 20 working days.

The licence could include a requirement on train operators to, within 20 working days, either make the delay compensation payment or to inform the passenger that their claim had been rejected. The latter would require the train operator to explain why the claim had been rejected and to set out the next steps that the passenger would need to take where it is applicable.

This obligation could ensure that where passengers make a delay compensation claim, train operators are incentivised to pay the compensation which is due to them promptly, and to provide a clear explanation and any further steps which may be necessary where it is not.

In developing these proposals, consideration could be given to whether an additional obligation to require a further compensatory payment, which would become due when the compensation claim is not processed within 20 working days, is necessary to provide further protection to passengers. This could further incentivise train operators to take timely and effective action.

We would continue to publish data quarterly, comparing performance across all train operators on this measure and the other delay compensation measures set out above. In so doing, ORR intends to highlight those operators who are doing well, and provide clarity on compliance or enforcement action where there is evidence of persistent and significant failings.

ACTION:

As part of the development of the licence condition and code, we would consult on whether a clear standard for responding to claims should be introduced and, if so, whether arrangements for further compensation for instances of individual failure could be created.

5. An obligation to accept claims for compensation from the passenger's authorised party

Train operators could be obliged to accept claims for compensation from third-party intermediaries (TPIs) who are compliant with an agreed TPI Code of Conduct.

TPIs are companies who make claims for compensation on behalf of passengers. They have the potential to play a positive and important role in bringing innovative, consumer friendly services to the market by engaging rail passengers, raising awareness of compensation and assisting them to make claims. The increase in TPIs operating in this area may be a natural response to a failure of train operators to adequately inform passengers of their rights and/or provide swift and easy processes for passengers to claim compensation. In this respect TPIs can provide an element of 'competitive pressure' on train operators to improve the relationship that they have with their customers.

Nonetheless, there may be issues such as lack of transparency of the charges passengers may face when using some TPIs as well as the possibility for increased incidence of fraud, and lack of safeguards to ensure funds are properly handled.

Therefore, in order to ensure greater acceptance by train operators, TPIs could be incentivised to meet the

obligations set out in a new TPI Code of Conduct to address the aforementioned risks. ORR would consult upon the content of the Code of Conduct with key stakeholders, train operators and TPIS and could administer the scheme going forwards. These formal arrangements would assist in the identification of TPIS who may not meet the required standards and would ensure appropriate safeguards are in place for passengers.

ACTION:

As part of the development of the licence condition, ORR would also consult on content of a TPI Code of Conduct.

6. Open up compensation routes via third-party retailers (TPRs).

Retailers who sell rail tickets online - but who are not themselves a train operator - are also a form of intermediary. Such third-party retailers (TPRs), for example Trainline, accounted for more than 17% of gross receipts from ticket sales²⁵ in 2015, and play an important role in expanding the market and putting

²⁵ https://orr.gov.uk/data/assets/pdf_file/0014/18212/orr-retail-market-review-emerging-findings.pdf

competitive pressure on train operators to improve their retail offering.

Passengers often expect the seller of the ticket to provide a 'one-stop-shop'. One in five of those who looked on the web to find out about claiming compensation visited a ticket seller website²⁶. However, passengers cannot currently claim compensation via the TPR that they bought their ticket from.

If TPRs were to formally handle claims for compensation on the passenger's behalf it would provide a single point of contact for the ticket purchasing and claims process. We understand that one TPR has made a proposal to RDG to directly handle claims from passengers for delay compensation.

Opening up the ability for passengers to claim compensation from third parties (whether a ticket retailer or other intermediary) could help to raise awareness of and clarify passenger rights and simplify processes where the industry itself has failed to do so.

ACTION:

As part of the development of a compensation licence condition, ORR would consult on content of the TPI Code of Conduct. For the purposes of

²⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751380/rail-delays-and-compensation-report-2018-revised.pdf

handling claims from passengers for delay compensation the TPI Code of Conduct would apply equally to an intermediary that also operated as a ticket retailer.

Medium-term reform: modernisation of ticketing and compensation arrangements

38. We are aware that the Williams Rail Review is considering the modernisation of national ticketing, including the application of new technology and ticketing processes. The modernisation of ticketing across the industry could also provide benefits for passengers by making it easier to understand their entitlement to compensation, and how to claim. Modernised schemes could provide for consistency in terms of more user-friendly, harmonised and recognisable delay compensation arrangements, could allow for greater comparability of performance across operators, and thus incentivise improvements in performance.
39. While the evidence suggests that passengers may benefit from the certainty and clarity created by nationally consistent arrangements for compensation, we recognise that the Williams Rail Review is looking at greater devolution of responsibilities for the commissioning of passenger services, which may result in variation and flexibility between different regions or different types of service. Any modernisation of compensation arrangements, that result in the greater harmonisation of processes

nationally, would therefore be contingent on the wider changes that the Williams Rail Review proposes.

40. While further evidence is required in this area, it seems reasonable to assert that passengers will have different expectations about compensation arrangements for different types of journey, e.g. commuter and long-distance services. Changes in this area could mean that compensation is linked to the type of journey for example long-distance rather than the cost of the ticket. The Williams Rail Review should consider the trade-offs between the benefits to passengers arising from the certainty of national harmonised arrangements for ticketing and compensation, and any potential benefits of flexibility in light of its wider recommended reforms.
41. The table below sets out the measures which could be taken to provide harmonisation of arrangements at a national level, together with the key themes affecting the take-up of compensation these changes would seek to address.

MEDIUM TERM REFORM: Modernisation of ticketing and compensation	
Theme(s)	Awareness, Processes, Incentives
<p>7. Greater harmonisation of compensation schemes.</p> <p>Passengers currently face difficulty in understanding their rights and the process to access delay compensation because of the different schemes across the network. Data collected by ORR shows that more than 16% of the compensation claims closed in 2018/19 had been rejected by the train operator.²⁷</p> <p>The simplification of compensation schemes through harmonisation, for example DR15, would require a further focused review by the industry. In this regard, we are aware that DfT has recently agreed changes in arrangements for some train operators, for example GWR.</p> <p>Greater harmonisation of compensation across train operators could provide for the possible introduction of a common national brand, which could be more easily used to promote awareness and increase the uptake of delay compensation.</p>	

²⁷ ORR statistical release 27 June 2019.

Harmonisation could be required either under future passenger service contracts, or by changes to operators' licences (subject to the introduction of a compensation licence condition). There is also the potential that this could reduce the administrative costs for both train operators and passengers from operating different schemes.

The complication of informing passengers about their entitlement being contingent on which operator the passenger was travelling with at the time of the delay would also be removed.

RECOMMENDATION:

We recommend that the transition to harmonised compensation arrangements be accelerated where it is possible to do so.

8. Transport Focus national delay compensation campaign

As the statutory consumer body, Transport Focus is uniquely placed to provide current and future rail passengers with information about their rights generally and more specifically with regard to delay compensation.

It already provides helpful information on its website to passengers about their entitlement to compensation.²⁸

However, there is an opportunity for Transport Focus to further promote delay compensation to passengers via a targeted national campaign. Whilst a single-branded scheme would be more straightforward to promote, a national campaign to raise awareness of compensation for delays could equally be undertaken before the greater harmonisation of schemes.

We recognise that such a campaign would require funding to be made available to Transport Focus in order for it to successfully discharge this function.

RECOMMENDATION:

We recommend that funds are made available to Transport Focus to enable it to conduct an awareness campaign both in the near future, and again once compensation schemes have been harmonised, and if agreed, nationally branded.

²⁸ <https://www.transportfocus.org.uk/advice-and-complaints/your-rights-to-compensation/>

9. Move towards automated compensation (one-click) covering all train operators.

Maximising automation of the claims process would significantly reduce the amount of passenger effort required to claim. DfT research shows that 27% of passengers think that making a claim would take too much time or would be too complicated.²⁹

One-click compensation is facilitated where passengers:

- are personally notified when a journey is eligible for compensation;
- can store contact and payment details;
- can store ticket information; and
- can claim compensation via an App.

The modernisation of national ticketing processes being considered by the Williams Rail Review creates an opportunity to similarly modernise compensation processes. Specifically, it could create the opportunity to:

- Provide clear accurate advice to passengers about their rights in real time, taking account of their ticket type and actual journey taken; and
- Automate the process for generating and paying compensation claims to a significantly greater degree.

²⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751380/rail-delays-and-compensation-report-2018-revised.pdf

Automating some or all of the claims process would directly address both passenger awareness and weaknesses in the claims process itself. Importantly, it could also act as a positive incentive in encouraging passengers to more readily adopt forms of smart ticketing.

RECOMMENDATION:

We recommend that train operators automate their claims processes to the greatest possible extent, including the use of automated (one-click) claims processes so that more passengers can access compensation in ways that are convenient to them.

10. A standardised claim form (web form and paper form) for all passengers including those at risk of digital exclusion, and single streamlined GB-wide portal for claims.

Passengers will continue to purchase tickets through a variety of different means, including those which may not permit the automation of compensation processes.

Currently, 53% of passengers' claims are made on the train operators' website or App³⁰, but these processes can be complicated and confusing, for example it has

³⁰https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751380/rail-delays-and-compensation-report-2018-revised.pdf

been reported that operators currently require between 10-24 pieces of information³¹.

A standardised claim form, and web form, common to all train operators, with only essential information requirements would reduce scope for error (nationally 17% of claims are rejected), allow familiarisation with the process and increase the willingness of passengers to claim.

It is important to ensure that all passengers benefit from the potential reforms discussed here, including those who do not have access to online services or smartphone technology. 30% of passengers still post or send in a paper form³². A standardised claim form, as set out above, would also ensure that these passengers benefitted from the overall improvements.

In addition to this, the creation of a single streamlined system for claims would prevent passengers having to create separate accounts with every train operator with whom they travelled. Such a system could operate a central portal to seamlessly divert claim details through to the relevant train operator's system.

³¹ <https://www.which.co.uk/news/2019/05/revealed-how-train-companies-are-adding-unnecessary-hassle-to-claiming-compensation/>

³² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751380/rail-delays-and-compensation-report-2018-revised.pdf

RECOMMENDATIONS:

We recommend that train operators work together with Transport Focus to create a single standard form for claiming compensation. This should be simple and require only the essential information necessary to process a claim. This should, as far as possible, be the same for passengers claiming via a paper form as through other means.

We further recommend that RDG consider the development of a single streamlined system for passenger compensation accounts via a central provider such as National Rail Enquiries (NRE). This provider could operate a central portal for compensation claims and provide a 'warm transfer' of information to the relevant train operator's system.

11. Automatic compensation (no-clicks)

Automatic compensation typically requires no action from the passenger to enable the claim to be made. Full automation of compensation is more feasible where passengers are travelling on tickets that are specific to particular trains or where they 'touch in and touch out' on their journey, and where passengers' contact and

payment details are available (e.g. advance online purchase).

The widespread introduction of automatic compensation would improve barriers such as awareness and process as well as removing any incentive not to promote compensation. We are aware that requirements to provide a fixed level of automatic compensation in specific circumstances already exist in other regulated sectors for example in energy³³ and telecoms³⁴.

However, it is clear that while passengers continue to purchase tickets through various channels (i.e. a walk-up railway), the universal introduction of automatic compensation could not be achieved. Even with significantly greater use of smart-ticketing, automatic compensation on a widespread scale would require significant investment in the development and management of complex back-office industry systems and processes on a scale that is not replicated for the purposes of automatic compensation payment in other sectors. We have not undertaken an Impact Assessment of the potential costs and benefits of introducing automatic compensation more widely.

³³ <https://www.ofgem.gov.uk/publications-and-updates/supplier-guaranteed-standards-performance-switching-final-decision-and-statutory-instrument>

³⁴ <https://www.ofcom.org.uk/phones-telecoms-and-internet/advice-for-consumers/costs-and-billing/automatic-compensation-need-know>

However, a small number of operators are currently offering automatic compensation to some of their passengers (e.g. those purchasing advance tickets online or those using smartcards). In addition, most train operators provide enhanced compensation for season ticket holders that are subject to consistent delay. On occasions of severe disruption, operators can offer passengers an extension to their next renewed Season Ticket. These are known as 'Void Days'.

RECOMMENDATION:

We recommend that as smart ticketing becomes more widespread, consideration is given to how automatic compensation might fit within the wider industry changes introduced as a result of the Williams Rail Review and the compensation landscape - i.e. passenger awareness, claim rate, level of harmonisation, degree of automation - as it then exists for leisure, commuter and business passengers.

C: Longer-term considerations – the purpose of compensation arrangements within the future framework of passenger services

42. In the longer-term, we advise the Williams Rail Review to consider the appropriate purpose of compensation arrangements within the future framework of passenger services that it is developing.
43. This is a complex question, which needs to reflect any wider changes to the commercial incentives and funding arrangements that are established in future passenger service contracts. For instance, the Williams Rail Review should consider, in light of wider changes, whether train operators should retain the revenue risk that they currently face from compensation claims, and the potentially perverse incentives that this creates, or whether compensation funds should be administered in a different way. This will depend on the balance of incentives in future operating contracts and the way that funds flow between operators, government and infrastructure managers in the future. Changes to the incentives regime in this area could potentially have a significant impact on the number of passengers claiming or receiving compensation.

LONG TERM REFORM

Theme(s)

Incentives

12. Ring-fencing compensation funds.

4. The ring-fencing of compensation funds could remove potential incentives on train operators not to use every means at their disposal to raise awareness of passengers' rights to compensation, or not to improve the processes enabling them to do so. However, without any incentive to proactively raise awareness the volume of compensation claims may not necessarily increase.

5. However, a proportion of funds 'allocated' to compensation which were not spent could be diverted to passenger improvement programmes such as accessibility improvements (with the necessary safeguards to ensure they are spent on new initiatives only). We are aware that ring-fencing has already been introduced on some newer franchises, for example South Western Railway³⁵.

ADVICE:

We advise that as the future framework of passenger services is developed, that consideration be given to the potential ring-fencing of compensation funds so that a

³⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/668663/south-western-railways-2017-rail-franchise-agreement.pdf

proportion of any unclaimed compensation funds could be used for other purposes, such improvement to accessibility (acknowledging the need to avoid the potential for unintended consequences as a result of such a move).

Section B: ORR submission on accessibility

Purpose of this report

This document forms part of the Office of Rail and Road's submission to the Williams Rail Review. It is in response to a request from Mr Williams, made in February 2019 at the annual Bradshaw address:

“We need to do more on making it easier for customers to access the compensation they are entitled to and improving accessibility for all users, including disabled people. I’ve asked the ORR to advise me on what more could be done by rail operators to improve this, and whether more regulatory powers are required to ensure that it happens. They will report back within the timescale of the Review recommending action to help transform compensation and accessibility across the network.”

This section focuses on accessibility, and stands alongside our submission on compensation.

Executive summary

1. Inclusion of disabled people into everyday activities, including rail travel, requires practices and policies designed to identify and remove potential barriers that can be physical, involve communication or the attitudes of others, and which hamper individuals' ability to participate fully in society. However, ensuring that disabled people can access education, work, healthcare and social activities in the same way as everyone else is of benefit both to them and the wider society. Access to transport is an important enabler to achieving these wider personal and economic benefits.
2. There are over 13 million disabled people in the UK; a quarter of disabled people have a mental health impairment, around 4 in 10 disabled children have a learning impairment, and 4 in 10 disabled children a social or behavioural impairment. The government's ambition is for disabled people to have the same access to transport as everyone else, and to be able to travel confidently, easily and without extra cost. By 2030³⁶, it envisages equal access for disabled people using the transport system, with assistance if physical infrastructure remains a barrier.

³⁶ Part of the UN's sustainable development goals: see <https://www.un.org/development/desa/disabilities/envision2030-goal3.html>

3. We have been working to understand the barriers that disabled people face when travelling by train. We have engaged widely with disabled people's organisations, representative groups and charities and have gathered extensive research from passengers about their day-to-day experiences and asked them to rate the level of service that they receive. We have also worked with key industry stakeholders to understand both the work that they are doing in this area and the challenges that exist.
4. From this work it is clear that there is still much to do to ensure that disabled passengers can easily and consistently achieve the same access to rail travel as everyone else. Disabled passengers need better access to stations and trains to enable them to travel more spontaneously and independently. Where passengers request assistance to travel they should be able to do so with confidence and ease, safe in the knowledge that it will be provided reliably, effectively and consistently by staff who have the training and knowledge to do so with confidence and skill.
5. However, the creation of a more inclusive railway that is accessible and open to all also requires more accurate, consistent and easily useable information to allow people to confidently plan accessible journeys alongside simple passenger-facing processes and systems. Incrementally, if such improvements can be made they

will support all users, including those with less visible impairments, and will in turn make the railway more accessible for all passengers who may at times find access to rail travel challenging including older passengers and those travelling with small children, baby buggies or luggage.

Summary of proposals

6. The Williams Review asked what more could be done by train and station operators to improve accessibility to the rail network, and whether more regulatory powers are required to ensure that it happens.
7. This was a timely and welcome request and in our response we have set out a number of reforms that are targeted at key areas for improvement to accessibility in the short, medium, and long-term. These proposals address issues around inaccessible infrastructure and rolling stock; reliability of assistance for passengers; staff training; passenger awareness of rights and services; information provision, and incentives.
8. Each passenger train operator, and each station operator, requires an operating licence, issued by ORR. These licences include a condition entitled Disabled People's Protection Policy which requires each operator, including Network Rail in respect of the stations it manages, to establish and comply with a Disabled People's Protection Policy (DPPP), stating how they will protect the interests of disabled users of their trains and stations.
9. Some of the reforms that we have set out here have already been subject to public consultation as part of our current review of the DPPP licence condition, and importantly, the associated DPPP Guidance to industry

on the arrangements and services that we expect operators to have in place to support passengers who require assistance to travel. We will shortly publish a revised industry Guidance document that will encompass some of the changes discussed here, alongside a timetable for the implementation of these new regulatory requirements, and the existing licence condition will be renamed as an Accessible Travel Policy (ATP).

10. Alongside the actions that we are taking through this ongoing work we have also set out a wider package of reforms to underpin the step-change that we believe is necessary to drive improvement in inclusion and accessibility across the rail network. We recognise that some of these reforms are contingent on the wider industry changes being considered by the Williams Review and how government will choose to prioritise accessibility to the rail network in decision making given the impact of costs on passengers and taxpayers, other competing priorities and the need to consider wider societal benefits.

Short-term reform

- Improving the reliability of assistance for passengers when getting on or off the train (part of our new ATP guidance);
- Development of a whole-system approach to inform decisions about accessibility, funding and staffing
- Delivery of the new RDG Passenger Assist system by June 2020;
- Strengthened rail staff accessibility training (part of our new ATP Guidance);
- Improvements to accessible journey planning (part of our new ATP Guidance);
- Common branding for assisted travel services (part of our new ATP Guidance);
- Phased lowering of the maximum notice period for booking assistance (part of our new ATP Guidance);
- Redress³⁷ for booked assistance failures (part of our new ATP Guidance); and
- Greater transparency of the governance and decision-making criteria for Access for All funding.

³⁷ Operators will provide redress for booked assistance failure which reflects the impact on the individual passenger. For example, providing flowers may in certain circumstances be a better form of redress than a refund of a low value ticket. Passengers will have recourse to the Rail Ombudsman if they are dissatisfied with the redress offered.

Medium-term reform

- Review of the appropriate levels of accessibility funding, different funding channels and the eligibility criteria for making awards;
- Funding and delivery of 'Phase 2' of the RDG Passenger Assist system;
- Setting and monitoring regulatory targets for the provision of assistance to passengers (assistance completions);
- A single transaction for ticket purchases and assistance requests (recognising that this is only possibly in limited scenarios at present); and
- Development of a coherent national strategy to promote assisted travel.
- The use of commercial incentives to maximise the volume and quality of journeys; and
- Consideration of a universal service obligation for assisted travel.

Long-term reform

- A review of rail vehicle accessibility standards;

Accessibility - key statistics

Disability in Great Britain

2017-18

One in five (21%) people reported a disability in 2017-18, an increase from 18% in 2007-08.

Step free stations in Great Britain

2015



20% of mainline stations have step-free access between street and platform to a 'new-build' standard.

Rail passenger assists and bookings

2012-13 to 2018-19



There were almost **1.3 million** booked passenger assists in 2018-19.

This represents an increase of **2.0%** compared with 2017-18.

Booked passenger assists have increased by **36.0%** since 2012-13.

There were almost **0.4 million** passenger assistance bookings in 2018-19.

This represents an increase of **1.0%** compared with 2017-18.

Users of booked assistance

2018-19



2 out of 3 booked assistance users (65%) are aged 65 or over

Most users of booked assistance are leisure users (79%).



Most use booked assistance a few times a year (46% use it up to twice a year, and a further 36% use it less than once a month).

Types of assistance passengers request

2018-19



Most users request around 3 assists per booking. The most common types of assistance requested are boarding the train (**57%** of users) and alighting the train (**45%** of users).



Just over half of users (**55%**) requested help with luggage.

Passenger experience of booked assistance

2018-19



3 out of 4 users (76%) received all aspects of the assistance they had booked. **1 in 10** (11%) users received none of the assistance they booked.



85% of users surveyed were satisfied with booked assistance based on their last journey.

Awareness of assisted travel in rail

2017-18

Disabled people's awareness of the availability of assisted travel is relatively low:

54% of disabled people asked have never heard of Passenger Assist (booked assistance).

81% of disabled people asked have never heard of Turn Up and Go (unbooked assistance).

Sources:

- Disability in GB: [Family Resources Survey 2017/18](#), Department for Work and Pensions
- Step free stations in Great Britain: [On Track for 2020? The future of accessible rail travel](#), Rail Delivery Group, May 2015
- Rail passenger assists and bookings: Rail Delivery Group (RDG) - National Passenger Assistance Booking System ([data tables](#))
- Users of Passenger Assistance, reasons for requesting Passenger Assistance and Passenger experience of Passenger Assistance: Research into passenger experience of Passenger Assist (questions F2, C1, D5 and D21). 2018-19 research to be published August 2019 [here](#), 2017-18 [research](#).
- Awareness of assistance: [Research into Passenger Awareness of Assisted Travel Services](#), April 2017

Improving accessibility across the rail network

Background

11. We have been working to better understand the barriers that disabled people face when travelling by train. We have engaged widely with disabled people's organisations, representative groups and charities and have gathered extensive research from passengers about their day-to-day experiences and asked them to rate the level of service that they receive. We have also worked with key industry stakeholders to understand both the work that they are doing in this area and the challenges that exist.
12. Each passenger is unique in terms of his or her confidence, abilities and expectations and so a station or train may be accessible to one passenger yet inaccessible to another. However, our evidence shows that there are a number of current, and commonly recognised, issues at all stages of the passenger experience that could be partly or wholly mitigated to enable more passengers to access the rail network and the wider personal and economic benefits that this could generate.
13. In particular, disabled passengers need better access to stations and trains to enable them to travel more spontaneously and independently. Where passengers request assistance to travel they should be

able to do so with confidence and ease, safe in the knowledge that it will be provided reliably, effectively and consistently by staff that have the training and knowledge to do so. Passengers also require more accurate, consistent and easily useable information to allow them to confidently plan accessible journeys using simpler passenger-facing processes and systems. These issues are discussed further below.

Infrastructure and rolling stock

14. Mobility impairments are the most common form of disability in the UK³⁸ and the high incidence, around 40%³⁹, of stations across the rail network without step-free access from the street to platforms often presents a physical barrier to such passengers. This can apply equally to passengers with visual impairments and indeed other users including older people and those travelling with small children, baby buggies or luggage. Further to this, research carried out in 2015 showed that one third of trains were estimated to not have a reasonable stepping distance from the platform to the train⁴⁰.

³⁸ 49% of disabled people in the UK report a mobility impairment. DWP Family Resources survey 2017/18 (most recent published data), section 7 on disability: <https://www.gov.uk/government/statistics/family-resources-survey-financial-year-201718>

³⁹ This data comes from the National Rail Enquiries stations database 'Knowledgebase'

⁴⁰ The Rail Delivery Group *On Track for 2020?* Report (2015; section 5.2.1) estimated around 66% of stations had level access or a stepping distance of 25cm or less (which it defined as a 'reasonable stepping distance').

Reliability of assistance and staffing

15. Where a station is physically accessible to passengers, the stepping height and distance between the platform and train itself creates a reliance on the presence of staff at the station or on the train to provide assistance (e.g. through the provision of a ramp). While current assisted travel services - including both booked assistance and turn-up and go - provide a good general level of service for most passengers⁴¹, there are issues with overall reliability⁴² which can have a significant and lasting impact upon users - and potential users through adverse publicity - when assistance failures occur.

Staff training

16. The quality of assistance for passengers can also vary depending on the type of impairment they have, especially those with less visible disabilities such as autism, dementia or anxiety who often experience a poorer travel experience relative to those passengers with visible impairments⁴³. This is explained in part by weaknesses in staff training, which may lack emphasis on supporting passengers with non-mobility related impairments.

⁴¹ ORR's Passenger Assist compliance monitoring survey for 2018/19 shows that 85% of Passenger Assist users were satisfied with the service overall.

⁴² See Annex D for detailed figures on the reliability of assistance.

⁴³ ORR's Passenger Assist monitoring survey found that satisfaction with overall assistance was 84% for those with a physical impairment compared to 70% for those people with a social or behavioural impairment.

Passenger awareness

17. Our evidence shows that the number of accessible journeys on the rail network could also be significantly increased if more people were made aware of their right to free assistance to support passengers who need help to undertake their journeys, including how to request and book this assistance.

Accessible journey planning

18. Presenting an accurate picture of accessibility across the rail network is challenging. Station data in particular can be inconsistent or at times inaccurate. Efforts to improve the quality of information available are infrequent and achieving a reliable and consistent baseline from which to track progress remains problematic.
19. However, passengers who rely on assistance or step-free access to stations also experience problems trying to plan journeys along a route that is accessible to them. Weaknesses in industry systems and processes mean that the information available to passengers about which stations are accessible is not always reliable. This same issue can also undermine the decision-making of rail staff who often also rely on the same information sources.

Branding and terms and conditions for booked assistance

20. Passenger comprehension and the promotion of free assisted travel services can be hindered by a lack of consistent passenger-facing terminology and branding, despite it being a broadly standardised offering.
21. Issues also arise where the requisite notice period for booking assistance can vary significantly across the network (e.g. it can vary by train operator and even by station). A shorter notice period has clear advantages for passengers. However, because the franchising process is staggered and incentivises bidders to make commitments to reduce the booking notification period this means that franchise agreements can contain differing commitments to be delivered at varying speeds. This has resulted in notice periods across the network of between 1 hour and 24 hours. The practical implication of this is that it can be confusing for passengers - and the contact centre staff who may be advising passengers - attempting to plan a journey at relatively short notice as they require clarity on which booking period may apply to their intended route.

Incentives on operators

22. The incentives on train operators to invest in improving the accessibility of trains and stations are usually linked to enforceable franchise commitments

and regulatory requirements. These include national or European standards which apply when major work takes place at stations and when building new trains or adapting current ones. The Equality Act 2010 also requires operators to make reasonable adjustments so that disabled people can use their services, for example, by requiring train or station staff to assist a person with a mobility impairment in getting on and off a train. However, commercial incentives to invest in assets, or to more actively promote assisted travel services, are usually weak due to the relatively high cost of investment in infrastructure and services.

Proposals for reform

23. Delivering transformative improvement in accessibility is challenging; it will take time and investment to create a more inclusive railway that is accessible and open to all. However, a step-change is possible if the industry is incentivised and structured to use resources more efficiently, and adopts a clear, cohesive and evidence-based approach to making targeted improvements against realistic work programmes and timescales. In the advice below we outline the potential for short, medium and long-term reform.

24. Each passenger train operator, and each station operator, requires an operating licence, issued by ORR. These licences include a condition entitled Disabled People's Protection Policy (DPPP) which requires each operator, including Network Rail in respect of the stations it manages, to establish and comply with a DPPP, stating how they will protect the interests of disabled users of their trains and stations.
25. Some of the reforms that we have set out here have already been subject to public consultation⁴⁴ as part of our current review of the DPPP licence condition, and importantly, the associated DPPP Guidance to industry on the arrangements and services that we expect operators to have in place to support passengers who require assistance to travel. We will shortly publish a revised industry Guidance document that will encompass some of the changes discussed here, alongside a timetable for the implementation of these new regulatory requirements and the existing licence condition will be renamed to require operators to produce an Accessible Travel Policy (ATP).
26. Alongside the actions that we are taking through this ongoing work we have also set out a wider package of reforms to underpin the step-change that we believe is necessary to drive improvement in inclusion and

⁴⁴ November 2018 ORR Assisted Travel consultation:

https://orr.gov.uk/data/assets/pdf_file/0004/39676/improving-assisted-travel-consultation-november-2018.pdf

accessibility across the rail network. We recognise that some of these reforms are contingent on the wider industry changes being considered by the Williams Rail Review and how government will choose to prioritise accessibility to the rail network in decision-making given the impact of costs on passengers and taxpayers, other competing priorities and the need to consider wider societal benefits.

27. We have grouped our proposals as follows:
 - A. Short-term reform;
 - B. Medium-term reform; and
 - C. Longer-term considerations
28. We have also sought to categorise each proposal in accordance with our view as to its relative priority or stage of development, namely:
 - **Action:** including the relevant parties and timetable for implementation;
 - **Recommendation:** changes which could add value but may require some additional development at this time to fully understand costs and benefits; and
 - **Advice:** areas of potential change that are contingent on other changes.

SHORT-TERM REFORM

Theme

Reliability of assistance

1.Improving the reliability of assistance for passengers when getting on or off the train (new ORR Accessible Travel Policy requirement)

Assisted travel plays an important role in making the rail network accessible for many people with disabilities and impairments. ORR data shows that almost two-thirds (59%) of Passenger Assist (assistance booked in advance of travel) users could not have completed their journey independently without it, with just over one-third (38%) stating they could have completed the journey independently but it would have been more difficult⁴⁵.

However, there is scope for improvement. A current challenge the industry must resolve is to improve the reliability of assisted travel to strengthen passengers' confidence and trust in the service⁴⁶. This passenger sentiment is substantiated by our monitoring data

⁴⁵ ORR's Passenger Assist monitoring survey – data covers period Rail Periods 1-13 2018/19. Base 4,402 (all passengers who were met by staff).

⁴⁶ ORR's Passenger Assist monitoring survey for 2018/19 shows that only around two-thirds (68%) of users felt confident that all aspects of their assistance booking would be provided before they travelled (base: all - 4,968).

which has consistently shown an average of around one-in-five (21%) booked assistance users experiencing a partial or total assistance failure⁴⁷. The reliability of unbooked assistance (assistance that is requested at the point of travel and is not booked in advance) is more difficult to ascertain due to its more spontaneous and less formal nature, but our mystery shopping research has indicated that success rates are slightly lower than for booked assistance⁴⁸.

Our 2018 consultation on Improving Assisted Travel proposed new safeguard measures to address these issues and improve the reliability of both Passenger Assist and Turn-up-and-go across the network⁴⁹. The complexity and technical detail of some of the solutions we have proposed reflects the range and interdependency of issues that contribute to assistance failures.

A key finding was that the successful delivery of booked boarding assistance (87% success rate) is consistently better than booked alighting assistance (80% success rate).

Boarding assistance failures are most commonly caused by the passenger not being met by staff in the

⁴⁷ ORR's Passenger Assist monitoring survey shows that 86% of users received all (76%) or some (10%) of the assistance they had booked; 11% 'no assistance received'; 3% 'don't know'.

⁴⁸ Data on unbooked assistance is set out in Annex D of this report.

⁴⁹ See chapter 3 of the consultation: https://orr.gov.uk/data/assets/pdf_file/0004/39676/improving-assisted-travel-consultation-november-2018.pdf

station on time⁵⁰, which can delay or prevent their travel. To correct this, we will require operators to improve the information provided to passengers to make it clear how assistance will be provided at the station (including with ticket purchase, interchange, boarding and alighting assistance), and what steps the passenger can take to make themselves known to staff; this may include how long before departure a passenger is recommended to arrive; details of any designated meeting and information points; and how to recognise the person who will be providing assistance. These changes will be implemented and enforced via new requirements in the ATP Guidance. In turn this should increase the reliability of boarding assistance⁵¹ at stations.

In contrast, resolving the problems affecting alighting assistance requires a more interventionist approach. When an alighting assistance fails it can have a more profound impact upon the passenger relative to a boarding assistance failure. For example, alighting

⁵⁰ ORR's Passenger Assist monitoring survey shows that 10% of passengers were not met by staff/unable to continue their journey. There can be a number of reasons as to why the passenger is not met by staff. The Passenger Assist booking confirmation informs the passenger to be at a designated meeting point 20 minutes prior to departure. Failures can occur if the staff member does not present themselves to the passenger on time or if the passenger is late resulting in assistance staff considering this as a 'passenger no show'. In either scenario this would be recorded as a booked assistance failure.

⁵¹ ORR's Passenger Assist monitoring survey shows that only 80% of respondents were satisfied with the instructions they received about where to meet staff (base 4,314). Our Improving Assisted Travel consultation therefore set out proposals to strengthen the reliability of boarding assistance by providing Passenger Assist users with better information on what to expect at their departure station and guidance on how to support staff in locating them (see paragraphs 3.48-3.54).

assistance failure at an interchange station can result in the passenger being 'over carried' to stations further down the line. If the alighting assistance fails at a terminus station then it can result in the passenger being left alone on the train unable to get off the train. In either scenario this can have a major psychological impact upon those affected, disrupt their journey and badly undermine their confidence in rail travel.

Our work in this area has identified a specific problem in the arrangements for 'handovers' between boarding and alighting stations. This manifests itself in four main causes of alighting assistance failure:

- 1) **The boarding station failing to call ahead to the passenger's destination station as required** (and so the alighting station may be unaware of the passenger's arrival);
- 2) **The boarding station calling ahead but passing on poor or incomplete information** (e.g. not providing information about the passenger's location on a 12 carriage train);
- 3) **The boarding station calling ahead but no one at the alighting station answers or it is engaged** (this leaves the boarding staff with a decision to make as to whether or not they allow the passenger to undertake the journey given they have

no assurance that staff will be there to meet them at the destination); or

- 4) **The boarding station correctly calls ahead and passes on essential information, but this is not acted upon at the alighting station** (currently there is no formal accountability for these types of failure).

To mitigate this, we have developed new safeguard measures that will be enforceable through the new ATP Guidance that are designed to reduce the likelihood of handover failures between boarding and alighting stations occurring. These safeguards will operate equally for both booked and unbooked assistance and include:

- **A named person responsible for assistance** at each station during its hours of operation. This individual would ensure there was clear accountability for information being passed on and received. It would also mean that if they were providing the assistance themselves, or when assistance is delegated to other colleagues, they could verify the assistance was successfully delivered. If the assistance fails this individual would be held accountable to explain why the failure occurred and help identify steps to avoid any reoccurrence.

- Strengthening communication between stations with the introduction of a **dedicated assistance telephone line** (or equivalent – see number 3 below) for each station to ensure there is a guaranteed means for staff to reliably pass on and receive assistance-related information. This would help avoid situations where the boarding station calls ahead to the passenger’s destination station but receives no answer from the main station number.
- A handover protocol to improve the quality and consistency of assistance-related information shared between stations. It instructs boarding staff both when to call ahead and guides them as to what information they must pass on.

We are working to commence a trial to test these reliability safeguards at a sample of stations operated by Northern, South Western Railway and Network Rail from August 2019. The trial will last approximately six months (six to seven rail periods) and will test the efficacy and impact of these proposed remedies. Subject to the success of this trial, these measures shall be implemented and enforced through their inclusion in our new ATP Guidance in a phased roll-out to be completed by June 2020 to coincide with the roll-

out of the new RDG Passenger Assist system (discussed further below).

Following this we will undertake random sampling of stations across the network from July 2020 to ensure these measures have been implemented and are being complied with.

Figure 1 – ORR station handover protocol

Scenario	Passenger name	Disability	Assistance requirement	Train head code	Location on train	Other*
Booked (incl. seat reservation)	✓ NO CALL	✓ NO CALL	✓ NO CALL	✓ NO CALL	✓ NO CALL	Where applicable
Booked (no reservation)	✓ NO CALL	✓ NO CALL	✓ NO CALL	✓ NO CALL	CALL AHEAD	Where applicable

Unbooked assistance	CALL AHEAD	Where applicable				
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*Other covers any substantive deviation from the booking record e.g. passenger also has additional assistance need on the day which was not in original booking

Train operators and Network Rail are responsible for their own performance and for compliance with regulatory requirements. In the next publication of our Annual Consumer Report, *Measuring Up*, scheduled for July 2020, we will publish comparative performance of booked assistance completion rates ranked by rate of change in improvement (alongside the absolute completion rate for each station operator)⁵².

ACTION:

We will work with operators to commence trial testing of reliability safeguards in August 2019 which, if successful, will lead to industry-wide implementation by June 2020.

⁵² This is similar to the approach ORR now uses to benchmark route performance on end-user (passenger) measures in the regulation of Network Rail in Control Period 6.

ACTION:

We will publish data showing the rate of change over time for booked assistance delivery in our Annual Consumer Report, 'Measuring Up' from July 2020.

2. Development of a whole system approach to inform decisions about accessibility, funding and staffing

The decision to begin staffing, or increase staffing, at key stations could in many cases make them more accessible to some disabled passengers.

The latest data shows that just under half (49%) of stations are currently step-free (to varying degrees) but are either partially staffed or entirely unstaffed⁵³.

Where a station is physically accessible to a disabled passenger, the stepping height and distance between the platform and the train itself creates a reliance on staff at the station or on the train to provide assistance to the passenger (e.g. through the provision of a ramp). The absence of staff can make an accessible station inaccessible to passengers who need support to board or alight the train. Our research⁵⁴ shows that

⁵³ Data downloaded from NRE in Feb 2019. ORR analysis indicates that 23% of all passenger journeys pass through these types of stations.

⁵⁴ Data from ORR Passenger Assist monitoring survey 2018/19 P1-13.

the same issue can apply to unstaffed or partially staffed step-free stations served by Driver Only or Driver Controlled Operation trains that may operate without a second person on the train and where there is no level access from the platform to the train. The same research shows:

- 57% of assistance users need help to board the train; and
- 45% of assistance users need help to alight the train.

To overcome issues around accessibility and/or staffing many operators offer passengers alternative accessible transport (e.g. an accessible taxi) as a means of completing all or part of their journey⁵⁵. In addition some operators have started to use mobile staff to assist passengers at unstaffed stations, or where necessary as a result of trains operating without a second member of staff (Driver Only Operation or Driver Controlled Operation).

While it is unlikely to be practical or cost effective to staff all stations from first-to-last train there is a need to recognise that in certain circumstances the presence of staff will make a station immediately accessible to some passengers.

⁵⁵ See section Annex D of this report for data on AAT usage.

It is also particularly important that where investment is made to improve the accessibility at a station – e.g. the installation of a lift – that the benefit to passengers is not then diminished by changes to the staffing arrangements on the train or at the station.

For example, we have recently engaged with one operator where a station was made accessible under the Access for All Programme but the station was partially staffed and served by Driver Controlled Operation trains. In this case the operator has agreed to introduce mobile staff to provide assistance to passengers on routes where there is no second person on board the train, but where some of the stations are accessible but otherwise unstaffed or staffed only during busier times of day.

It is clear that the creation of a more inclusive and accessible railway requires a whole system approach to accessibility i.e. consideration of the station, the train and whether staff are available to assist a passenger from the station platform to the train itself and vice versa.

The development of such a whole system approach requires clear criteria to better inform decision-making by operators and funders (including through Access for All funding) around investment in infrastructure, changes to staffing arrangements - whether at the

station, on the train or through the use of mobile staff - and the reliance on alternative accessible transport in certain situations. At the highest level such criteria could include e.g.:

- Station accessibility;
- Stations served by Driver Controlled Operation / Driver Only Operation trains;
- Stations where footfall exceeds a *de-minimis* level;
- Staffing at stations during peak periods;
- Staffing at stations which have specific socio-economic value (e.g. those next to hospitals, centres for education or those close to areas of mass employment); and
- Proximity to alternative accessible and fully staffed stations.

We have held recent discussions with the Disabled Persons Transport Advisory Committee (DPTAC) with a view to establishing a role for it in establishing and testing such criteria. DPTAC was provisionally supportive of this proposal subject to it receiving adequate support, potentially in the form of professional consultancy, to enable this work to be carried out.

RECOMMENDATION:

DPTAC, with appropriate support, to develop criteria to support a whole system approach to creating a more inclusive and accessible railway. Once the criteria have been agreed they could be used:

- to guide funders in incentivising franchise bidders to improve accessibility;
- to guide operators when making improvements to accessibility and/or changes to staffing arrangements;
- as a key assessment tool when operators first develop or make changes to their Accessible Travel Policies; and
- in funding decisions to ensure that such decisions challenge operators to adopt a whole system approach to accessibility improvements.

3. Delivery of the new RDG Passenger Assist system by June 2020

The implementation of our reliability safeguard measures will be aided by the introduction of the new Passenger Assist system that is currently being

developed by the RDG and train operators⁵⁶ with its roll-out due for completion by **June 2020**. This new system should effectively automate the processes which underpin the safeguard measures. For this reason, and following extensive engagement with train operators, we have aligned the introduction of the reliability safeguard measures with the launch of the new system to ensure that its implementation can be done in the quickest and least disruptive way.

To be clear, if RDG and train operators do not meet the June 2020 deadline for the roll-out of the new Passenger Assist system then our reliability safeguard measures should instead be implemented using more manual means at stations. The best outcome for train operators and passengers therefore is for the full roll-out of the new Passenger Assist system, including the staff App by June 2020 as RDG and its members have committed to do.

Overall, the new system is expected to immediately address some of the inherent weaknesses in the current Passenger Assist system by providing quicker and more reliable information sharing between all entities in the end-to-end assistance provision process,

⁵⁶ RDG committed to having the new Passenger Assist system with the corresponding staff App fully operational by April 2020: <https://www.raildeliverygroup.com/media-centre/press-releases/2018/469774616-2018-09-28.html>

RDG has since informed ORR that this has been delayed until June 2020 and the passenger App will follow in autumn 2020.

namely: booking centres, resource planners, station managers, assistance staff and passengers. The result should be that passengers will find it easier to book (and edit) or request assistance and rail staff should benefit through access to better, more accurate information about who, where and when they need to provide assistance which should make the service more reliable.

RECOMMENDATION:

We recommend that RDG and train operators complete the roll-out of the new Passenger Assist system (with staff App) by their committed target of June 2020. The passenger App should follow no later than autumn 2020.

Theme	Staff Training
<p>4.Strengthening rail staff accessibility training (new ORR Accessible Travel Policy requirement)</p> <p>Our Improving Assisted Travel consultation highlighted issues with the quality and frequency of rail staff accessibility training⁵⁷. Training is often undertaken too</p>	

⁵⁷ For more detail on this see chapter 4 'Staff Training' in the November 2018 ORR Assisted Travel consultation: https://orr.gov.uk/data/assets/pdf_file/0004/39676/improving-assisted-travel-consultation-november-2018.pdf

infrequently and also gives insufficient focus to providing rail staff with the necessary skills to assist passengers with non-visible disabilities. Analysis we undertook in 2018 of current training materials also identified that staff are not routinely trained to recognise and be familiar with the facilities available at stations to help passengers. We will outline new provisions in our Accessible Travel Policy Guidance to address this directly by broadening the scope of training to ensure staff are able to recognise and assist passengers with a range of impairments and are familiar with the relevant station facilities, and that this training is refreshed at appropriate periods.

We also see value for operators in ensuring that senior management are adequately trained, understand their responsibilities and the impact that the competence and attitude of their staff and the services that they provide can have on passengers in this fundamental area.

ACTION:

We will shortly publish new Accessible Travel Policy Guidance that will include a focus on improving the content, format and frequency of staff training. We will work with operators and Network Rail to ensure that a realistic roll-out

plan is achieved and against which we can monitor and report on progress.

Theme

Accessible journey planning

5.Improvements to accessible journey planning (new ORR Accessible Travel Policy requirement)

In 2018 we established an industry working group that looked in detail at accessible journey planning to understand if it was playing a role in assistance failures⁵⁸. The working group subsequently identified a number of issues affecting the main sources of accessible journey planning information:

- Some operators do not meet their obligations to update and maintain their station information in industry systems (mainly Knowledgebase but also on their own websites⁵⁹);
- Some operators update Knowledgebase but their changes are not actioned by National Rail

⁵⁸ For more detail on this see chapter 3, section A, 'Accessible Journey Planning' in the November 2018 ORR Improving Assisted Travel consultation: https://orr.gov.uk/_data/assets/pdf_file/0004/39676/improving-assisted-travel-consultation-november-2018.pdf

⁵⁹ Knowledgebase is the name given to the underlying database which generates content for the NRE website. It contains information about the facilities at each of the 2500+ stations on the network, including information about facilities for those with accessibility needs. Whilst this data is held centrally in the NRE Knowledgebase, it is kept up-to-date by each of the TOCs responsible for operating and maintaining the stations. TOC websites also usually use the content from Knowledgebase when displaying station information. More information available here: <https://www.nationalrail.co.uk/100298.aspx>

Enquiries (NRE) and so are not reflected in what a passenger sees on the NRE website station pages⁶⁰; and

- Even when data is correctly updated, the content does not follow a standardised format which presents issues with the quality and consistency. This means two stations with identical features and facilities could be described very differently on the NRE website.

The impact of this can be significant. It can mean that passengers, assistance booking agents and station staff who rely on this information to plan accessible journeys may make decisions based on inaccurate information about the stations the passenger intends to travel to or from. For example, a passenger may call the train operator to book assistance for a journey between two stations. The booking agent then consults the accessibility information for these stations on the NRE website and believes each station is both step-free and staffed at the time the passenger intends to travel and the bookings are made.

However, the station staffing hours have since changed and this has not been updated on the NRE website. The passenger then arrives at the station to undertake the journey and the assistance fails. In this

⁶⁰ In Annex D of this report we also explain how these information failures can also undermine the ability of Passenger Assist booking agents to accurately plan assistance at stations.

situation it is likely that the passenger will call the train operator or press the button on the station Help Point and alternative accessible transport would be provided. Therefore whilst the passenger may have completed the journey it was not in accordance with their expectations and it undermines their confidence in rail travel. From the outset the booking was designed to fail as a consequence of prior information failures.

While the existing DPPP Guidance does place obligations upon station operators to update Knowledgebase and other related industry systems⁶¹, the requirements date from 2009 and lack specificity in certain areas which has allowed for divergent practices to emerge along with challenges in monitoring and enforcing compliance.

To resolve this, the working group developed remedies to strengthen these requirements that we subsequently consulted on with a view to their inclusion in the new ATP Guidance. This included creating a standardised format to ensure better quality and consistency of accessibility information both within Knowledgebase and subsequently on NRE station pages. This includes mandating priority data fields to be populated using a fixed format with clear definitions for labelling e.g. if the station is partially accessible

⁶¹ See ORR DPPP's guidance section C paragraph i.

then in the *step-free note* field it should clearly state which platforms are or are not accessible.

Aspects of the website standardisation would also be extended to network accessibility maps by mandating three categories for step-free classification: a) step-free to new build standards; b) step-free but not to new build standards / partial step-free access; c) no step free access to any platform. This would optimise and harmonise the use of accessibility icons and definitions to the benefit of both passengers and rail staff when planning accessible journeys.

We received industry support for these changes in feedback from the consultation. These requirements will therefore be included in the new ATP Guidance and will become binding on station operators once their new policies are approved. Each station operator would then have until no later than 1st April 2020 to complete the necessary updates, unless otherwise agreed with ORR. Thereafter, we will commence compliance checks via random sampling of Knowledgebase, NRE station pages and published network accessibility maps. Instances of non-compliance will be pursued through standard compliance, or where necessary enforcement procedures.

We recognise the important role that NRE plays in this process but NRE is not licensed by ORR and - other than in relation to the operation of a telephone enquiry bureau relating to railway passenger services - is not subject to independent or regulatory oversight.

However, with over 352 million⁶² customer contacts each year NRE plays a fundamental role in providing information to many passengers and in facilitating journey planning for disabled passengers.

NRE is managed by train operators and operates on their behalf. It is important that operators manage NRE effectively and ensure that it takes steps to update information around accessibility quickly and frequently. To ensure that operators actively manage and monitor the information provided by NRE we are reviewing the Passenger Train Licence to assess what route provides the most appropriate method for ensuring that information provision by operators - via NRE - around the accessibility of stations is accurate, consistent and frequently updated.

ACTION:

We will include these requirements on accessible journey planning in the new ATP Guidance document that will be published shortly, alongside a timetable for the

⁶² <https://www.nationalrail.co.uk/56907.aspx>

implementation and subsequent monitoring of these new regulatory requirements.

We will subsequently clarify with operators how we will approach monitoring, compliance, and where necessary, enforcement activity in the area of accessible journey planning.

Theme	Branding and terms and conditions
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6. Common branding for assisted travel services (aspects of this covered under new ORR Accessible Travel Policy requirements⁶³)

There are longstanding concerns regarding the promotion of assisted travel services. Our research which illustrates this coupled with our proposals for a national promotional campaign to raise awareness of assisted travel services are set out in medium-term changes (number 14 below).

However, there is an opportunity to prepare for greater promotion of assisted travel by harmonising the branding given to assisted travel services across the network. Currently the names 'Passenger Assist', 'JourneyCare', 'Assisted Travel', 'Help and Assistance', among others, are all used by different train operators

⁶³ For more detail on this see chapter 5 'Passenger Awareness of Assisted Travel' in the November 2018 ORR Assisted Travel consultation: https://orr.gov.uk/data/assets/pdf_file/0004/39676/improving-assisted-travel-consultation-november-2018.pdf

across the network despite the fact they all effectively refer to the same product and service. The lack of standardisation undermines efforts to better inform passengers about their rights to request free assisted travel at any point on the network, irrespective of the train operator with which they are travelling. It may also lead passengers to worry that assistance may not be 'joined up' when undertaking a multi-leg journey with different operators when in fact, from an industry systems point of view, it is a singular, centrally administered national scheme.

We intend to require the use of a single brand for booked assistance, most likely to be 'Passenger Assist', as a new requirement in our Accessible Travel Policy Guidance.

ACTION:

Following the approval of their new ATP, train operators and Network Rail will be required to amend all of their passenger-facing communications - including printed and online information - to the new branding no later than 1st April 2020, unless otherwise agreed with ORR.

7. Phased lowering of the maximum notice period for booking assistance (new ORR Accessible Travel Policy requirement)

Many passengers who book assisted travel on the rail network are required to book 24hrs in advance of travel. Moreover, because of varying franchise obligations, a number of operators require different booking notification periods, some of which depend on whether the passenger is travelling between the stations they manage, on their trains and within their franchise area or travelling further afield. This can be confusing for passengers and staff when attempting to plan a journey and book assistance, especially if that journey has multiple legs across more than one operator.

Many passengers prefer to travel with as little prior notice as possible⁶⁴ and to enable this the new ATP Guidance will incorporate a phased reduction to the booking notification period⁶⁵:

Phase 1 (by 1 April 2020): up to 10pm the day before travel;

Phase 2 (by 1 April 2021): a minimum of 6 hours before travel; and

⁶⁴ For more detail on this see chapter 6 'New requirements and updates in DPPP Guidance; Reducing the notice period for booking assistance' in the November 2018 ORR Assisted Travel consultation: https://orr.gov.uk/data/assets/pdf_file/0004/39676/improving-assisted-travel-consultation-november-2018.pdf

⁶⁵ See ORR DPPP section C2b '*not require passengers to give more than 24 hours' notice when booking*'

Phase 3 (by 1 April 2022): a minimum of 2 hours before travel.

The Phase 1 changes will deliver immediate benefits as they would, for example, allow a passenger to book assistance at 9.45pm to travel the next morning for an appointment or business meeting which is currently not always possible when travelling to or from some stations where 24 hours' notice is required. We will also require that operators advertise the 24/7 National Freephone Passenger Assist line to ensure bookings can be taken even if the operator's contact centre closes earlier than 10pm. Phases 2 and 3 will see a further reduction of the minimum booking notification period over time as processes and technology improve.

ACTION:

As part of the new Accessible Travel Policy Guidance, we will require the phased lowering of the maximum booking notification period for passengers wishing to book assistance in advance. This phased reduction will start in April 2020.

Theme	Incentives on operators
<p data-bbox="204 365 1326 483">8.Redress for booked assistance failures (new ORR Accessible Travel Policy requirement)</p> <p data-bbox="204 512 1382 1491">Numbers 1 and 2 above have explained in detail concerns regarding the reliability of both booked and unbooked assistance and the steps required to drive improvements in the near-term. Beyond that, we also intend to pursue additional changes to incentivise train and station operators to do all they can to ensure that assistance bookings are fulfilled and the requirements of passengers are met in full. This involves the inclusion of a requirement in the new Accessible Travel Policy Guidance⁶⁶ for a train or station operator to provide appropriate redress to passengers where the assistance booked fails to be delivered. This measure is intended to build a culture of continuous improvement and serve to rebuild passenger trust and confidence in the service.</p> <p data-bbox="204 1525 1342 1771">This change should also begin to address two further areas of concern. Firstly, the current lack of firm accountability for booked assistance failures in terms of either the train or station operator responsible for</p>	

⁶⁶ For more detail on this see chapter 6 ‘New requirements and updates in DPPP Guidance; Providing redress’ in the November 2018 ORR Improving Assisted Travel consultation: https://orr.gov.uk/data/assets/pdf_file/0004/39676/improving-assisted-travel-consultation-november-2018.pdf

assistance provision, and the individual member of staff assigned to deliver the assistance. Secondly, the lack of formal recognition of the significant impact that booked assistance failures can have upon those passengers reliant on this service, and who have sought reassurance that assistance will be available as required by booking in advance.

The new Accessible Travel Policy Guidance is best placed to deliver this policy in the short-term as it will immediately cover all passenger assistance across the network. In contrast, if this were included as a franchise requirement it could take a number of years to apply as contracts come up for re-tendering, and would not apply to non-franchised operators or stations managed by Network Rail which accounted for almost one-third (29%) of all assistance for passengers in 2018/19⁶⁷.

ACTION:

We will require through the Accessible Travel Policy Guidance that any passenger who has booked assisted travel, which is not delivered because of a train or station operator's actions, should receive appropriate redress in recognition of the service failure.

⁶⁷ See 2019 Measuring Up report

Theme	Infrastructure and rolling stock
<p data-bbox="204 365 1385 483">9. Greater transparency of the governance and decision-making criteria for Access for All.</p> <p data-bbox="204 512 1385 1294">Access for All (AfA) is a ring-fenced government fund, providing for targeted improvements that will facilitate step-free access at stations, such as ramps and lifts⁶⁸. The overall level of funding available is established as part of the periodic review process. The fund is governed by a Board comprised of representatives from DfT, Transport Scotland, Network Rail and ORR. Accessibility improvements at specific stations are allocated via a bid process. The fund for Control Period 6 (CP6) stands at £300 million, with 73 stations earmarked for improvement (alongside ongoing improvements at 24 stations from Control Period 5)⁶⁹.</p> <p data-bbox="204 1323 1385 1843">AfA also includes provision for targeted 'mid-tier' and small-scale improvements, such as tactile paving, accessible toilets and adjustable ticket counters. However, the AfA fund is not intended for use as a supplementary fund for major upgrades. Where stations are newly built, or undergoing significant enhancements or renewals, then compliance with the relevant accessibility standards should be an integral</p>	

⁶⁸ See here for more information <https://www.gov.uk/government/collections/access-for-all-programme>

⁶⁹ <https://www.gov.uk/government/speeches/access-for-all-73-stations-set-to-benefit-from-additional-funding>

part of the project design and budget, and not dependent on the availability of AfA funding.

We are currently reviewing a number of instances where accessibility improvements should have been funded and delivered outside of the AfA programme, but where the required improvements have not been completed. For example, Network Rail committed to install lifts at Barnt Green station while it was delivering overhead line electrification works. However, the lifts were removed from the scope of the work due to escalating project costs and a request was made for funding from Access for All. On this occasion we believe that funding should have come from the enhancements portfolio.

With the shift to a pipeline approach to enhancements, and competition for resources from different routes and operators likely to intensify, there is a risk that accessibility aspects of major improvements are removed from the project scope, or for the AfA fund to be placed under pressure that it is neither designed nor resourced to deal with.

Regardless of the level of AfA funding, it is important that the AfA Board and stakeholders are clear on the scope and priorities of the programme.

RECOMMENDATION:

We recommend that the AfA Board carries out a review of the terms of reference to clarify the scope (and exclusions) of the fund, its decision-making processes and the applicable criteria for making awards. This could include, for example, whether funding decisions are taken in cognisance of the availability of station and/or on-train staff to assist passengers onto the train so that a whole system approach is adopted to accessibility improvements.

It should further include consideration of how AfA interacts with the enhancement pipeline process. Such a review should take place within the next two years to enable necessary changes or improvements to be made to the operation of the fund in advance of the next periodic review.

Medium-term and long-term proposals

The future funding, commercial arrangements and structure of industry bodies all impact the way in which continuous improvements in the accessibility of the railway could be best delivered. The following medium to long-term reforms increasingly require decisions to be made about competing priorities for the railway as a whole.

Many of the recommendations below are therefore contingent on other decisions that may be made by government in light of the Williams Rail Review, and we try to highlight where this may be the case.

MEDIUM-TERM REFORM	
Theme	Infrastructure and rolling stock
<p>10. Review of the appropriate levels of accessibility funding, different funding channels and the eligibility criteria for making awards</p> <p>Government has set out a vision and timetable in its Inclusive Transport Strategy for what it wants to achieve in terms of accessibility across the entire transport system⁷⁰.</p>	

⁷⁰ More information available here, see page 14: <https://www.gov.uk/government/publications/inclusive-transport-strategy>

The government's ambition for inclusive transport:

"Our ambition

Our vision is for disabled people to have the same access to transport as everyone else. They will travel confidently, easily and without extra cost.

By 2030 we envisage equal access for disabled people using the transport system, with assistance if physical infrastructure remains a barrier."

To mark a year since the launch of the Inclusive Transport Strategy the government has recently announced a £20 million fund for stations in need of accessibility improvements leading to small-scale enhancements e.g. tactile paving, handrails or Harrington Humps (to increase platform heights). This is a welcome commitment and it is widely recognised that the Access for All (AfA) fund has generated improvements across the network, focusing largely on bringing nominated stations up to new-build accessibility standards. However, if current funding levels are maintained then we estimate that it could take at least another 50 years to bring the entire GB station estate up to this standard.

AfA funding for the next 5 years has been already been determined, and mostly allocated. In the longer term,

and in light of the Williams Rail Review proposals on industry structure and funding, government may wish to consider whether existing levels of funding for accessibility are sufficient, and whether the AfA process as it stands remains the most appropriate method for disbursing these funds.

The focus of AfA on stations also incurs a risk of physical infrastructure upgrades being made without sufficient regard to the capabilities and constraints of rolling stock and staffing, and vice versa. Depending on government policy with regards to industry structure, devolution and governance, a 'whole-system' approach for the funding and decision-making of accessibility improvements may be appropriate, that considers station improvements alongside rolling stock upgrades, and staffing decisions to ensure that the full benefits of improvements can be realised (as discussed in number 3 above).

Government may also wish to consider a more efficient use of accessibility funding by reassessing the desire to pursue stations upgrades to 'new-build' standards which is expected to absorb 80% of the AfA funds, on 73 stations during CP6. A broader, shallower approach that aims towards 'reasonable' accessibility standards may represent better use of limited resources.

ADVICE:

That current levels of funding for accessibility, if sustained, may fall short of the improvements to accessibility in rail aspired to in the government's Inclusive Transport Strategy. With regard to this, government should consider reviewing the level of funding earmarked for accessibility improvements, and the appropriate mechanism and criteria by which such funds should be spent.

Theme**Reliability of assistance**

11. Funding to deliver 'Phase 2' of the new RDG Passenger Assist system

In the course of RDG's development of the new Passenger Assist system (outlined in number 2 above), some of the originally intended, more advanced technological elements of the proposals were pared back to ensure delivery of its core package of upgrades at a quicker pace and to prevent further slippage in the timetable for roll-out.

Those aspects of the new system that were deferred are planned for a later date under a 'Phase 2' stage of the project. This should include new capabilities such as:

- direct two-way customer / staff communication;
- reductions in minimum booking notification periods;

- seamless ticket purchase, seat reservation and assistance requests via the passenger app;
- Location tracking to enable staff and passengers to find each other more easily in stations (or allow staff to see if a passenger is due to arrive at a station);
- Customer feedback via the passenger app; and
- Real-time performance tracking (e.g. alerts when an assist has failed or push notifications when an assist is overdue).

Our understanding is that these 'Phase 2' enhancements have yet to be formalised into a fully developed business case for potential funders to consider. Until that happens, progress towards the realisation of these significant passenger benefits will not be achieved.

ADVICE:

RDG should expedite the development of its business case to enable potential funding streams to be identified to ensure the Phase 2 upgrades to the Passenger Assist system can be implemented at the earliest opportunity.

Again, our advice is that this is given due consideration by government alongside other funding priorities in light of the wider reform of passenger service arrangements in the Williams Rail Review.

Theme	Reliability of assistance
<p data-bbox="204 365 1284 483">12. Setting regulatory targets for assistance completions and service quality</p> <p data-bbox="204 512 1370 1160">If the new Passenger Assist system with Phase 2 upgrades is implemented it should enable automated, real-time performance measurement. That creates a platform for the introduction of targets for assistance completions and passenger satisfaction scores, which could be used to set a minimum standard of performance on reliability and quality of the service across the network. In turn this would strengthen passenger confidence in assisted travel and potentially encourage more journeys that are accessible.</p> <p data-bbox="204 1193 416 1240">ACTION:</p> <p data-bbox="204 1274 1406 1854">Upon delivery of Passenger Assist Phase 2 upgrades, ORR will assess industry performance on assisted travel against baseline data and, relative to that, examine options for the introduction of minimum standards of performance for assistance completions and passenger satisfaction. These targets could then be made enforceable by way of an amendment to the Accessible Travel Policy Guidance.</p>	

Theme	Low passenger awareness of assistance
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13. Ticket purchases and requests for assistance should be a single transaction

For those passengers who choose to book assistance to enable their rail travel, this normally requires that they buy a ticket and then separately book assistance for the journey. Our latest research data shows that almost two-thirds (63%) of Passenger Assist users bought their tickets and booked assistance in separate transactions. We know from our research and routine engagement with disabled passengers that this two-stage arrangement is a major source of frustration for some assistance users. We have been told, anecdotally, of many incidences where it took the passenger more time to purchase their ticket and then book assistance than it took to complete the actual journey⁷¹.

We are aware that the Williams Rail Review is considering the modernisation of ticketing systems and processes and that RDG are seeking to develop some integration with assistance bookings and the ticket reservation system.

⁷¹ ORR's Passenger Assist survey for 2018/19 shows that the average time taken to book was 8m59s (base 3,788).

ADVICE:

We advise the Williams Rail Review to consider aligning its review of the ticketing systems and processes with the work RDG is doing to integrate assistance requests at the ticket-buying stage. The goal should be to deliver an industry system that enables passengers to buy tickets and request assistance for that journey in a single, simple transaction. This change could also serve to raise awareness of the availability of assistance if it was prompted (e.g. a check box option) at the ticket-buying stage as happens in other sectors (e.g. aviation).

14. A coherent national strategy to promote assisted travel (aspects of this covered under new ORR Accessible Travel Policy requirements⁷²)

Our research suggests that low awareness of assisted travel services amongst disabled people is the major barrier to enabling more accessible journeys on the rail network. Of those people who stated they would need assistance to travel by rail, more than half (54%) had never heard of Passenger Assist and over four in ten

⁷² For more detail on this see chapter 5 'Passenger Awareness of Assisted Travel' in the November 2018 ORR Assisted Travel consultation: https://orr.gov.uk/data/assets/pdf_file/0004/39676/improving-assisted-travel-consultation-november-2018.pdf

(81%) had never heard of Turn-up-and-go⁷³. As a result, it is possible that many prospective rail passengers with disabilities are failing to consider rail travel as a viable option because they are unaware that free assistance is available to help them make their journeys.

The same research also found evidence of significant untapped demand for assisted travel in rail when the services available were explained to non-users. This is illustrated in the tables below⁷⁴.

POTENTIAL FUTURE USE OF PASSENGER ASSIST

	TOTAL (All respondents) - n = 1,000	All respondents who have used Passenger Assists - n = 140	All respondents who have <u>not</u> used Passenger Assists - n = 860
NET: Likely	65%	96%	60%
NET: Unlikely	25%	1%	28%
NET: Don't know	10%	2%	12%

⁷³ ORR Research into Passenger Awareness of Assisted Travel Services (2017), survey based on 1,000 respondents: https://orr.gov.uk/data/assets/pdf_file/0008/25982/research-into-passenger-awareness-of-assisted-travel-services-april-2017.pdf

⁷⁴ ORR Research into Passenger Awareness of Assisted Travel Services (2017), see sections 3.4 and 4.4.

POTENTIAL FUTURE USE OF TURN UP AND GO

	TOTAL (All respondents) - n = 1,000	All respondents who have used TUAG - n = 57	All respondents who have <u>not</u> used TUAG - n = 943
NET: Likely	52%	96%*	49%
NET: Unlikely	34%	4%*	36%
NET: Don't know	14%	--	15%

This is further supported by our analysis of other data. The latest Department for Work and Pensions (DWP) statistics indicate there are 13.3m people living with disabilities in the UK⁷⁵ yet rail industry data for 2018/19 (1st April 2018 to 31st March 2019) shows there were only 122,877 unique users of Passenger Assist across the entire GB network⁷⁶. Our analysis also indicates that with the current assisted travel user profile there is an underrepresentation of certain groups. For example, our data indicates that for 2018/19 only 13%⁷⁷ of Passenger Assist users reported having some form of cognitive impairment or non-visible condition which is significantly

⁷⁵ DWP Family Resources survey 2017/18 (most recent published data), section 7 on disability: <https://www.gov.uk/government/statistics/family-resources-survey-financial-year-201718>

⁷⁶ ORR receives this data directly from RDG and it is currently unpublished.

⁷⁷ ORR Passenger Assist monitoring survey 2018/19 – user profile analysis (base: 4,968 respondents)

lower than the percentage of disabled people in the UK population who report similar disabilities (25%⁷⁸).

The general lack of awareness of the availability of assisted travel services amongst disabled people is in part likely to be a consequence of the fact there is currently no coordinated promotion of assisted travel on a significant scale. This is evidenced by the fact that in the 2018/19 ORR Passenger Assist monitoring survey when we asked users how passengers had become aware of Passenger Assist only 1%⁷⁹ stated they had initially become 'aware' via adverts or promotional material. The most common sources cited were word-of-mouth (23% 'told by family member or friend'; 17% 'told by train/station staff').

More could be done to target current non-users proactively to inform them about the availability of assistance to support their rail journeys. Any national campaign to promote assisted travel should follow after the effective implementation of the short-term measures above intended to strengthen service provision.

This would ensure the system is more robust and able to cope with any sudden increase in demand. Likewise, it would be sensible to harmonise branding of the service

⁷⁸ DWP Family Resources survey 2016/17 (most recent published data), section 7 on disability: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692771/family-resources-survey-2016-17.pdf

⁷⁹ Of the 4,968 Passenger Assist users we surveyed only 1% (57 people) stated they had initially found out about the service as a result of seeing an advert.

across the network to provide for marketing of a single product (number 6 above). For these reasons, the awareness-raising campaign would be most appropriately conducted in the medium-term.

RECOMMENDATION:

We recommend that Transport Focus would be best placed to develop and lead a national strategy and campaign to raise awareness of the right to free assistance to support rail travel. The campaign could be evidence-led to most effectively target excluded or under-represented groups in the current booked and unbooked assistance user profile.

We have held initial discussions with Transport Focus about this and it was provisionally keen to lead on this work subject to adequate resources and timeframes for delivery.

As part of this work, we would encourage Transport Focus to also consider options set out previously in our Improving Assisted Travel consultation to examine opportunities for cross-agency working to target hard-to-reach groups, including:

- **Ensuring that information on assisted travel is included when a passenger applies for a disabled persons' railcard;**
- **The potential for data sharing with DWP to target those in receipt of Disability Living Allowance / Personal Independence Payment with information on their right to free assistance to travel by train;**
- **The potential for data sharing with the DVLA to target Blue Badge holders or people who have recently lost their driving licence due to a disability, infirmity or age.**

Theme	Incentives on operators
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15. Commercial incentives for train and station operators to increase the volume and quality of accessible journeys

In the longer-term, incentives placed on operators to support assisted travel need to reflect any wider changes to the commercial incentives and funding arrangements that are established in future passenger service contracts. For instance, the Williams Rail Review could consider, in light of wider changes, whether it is more appropriate to require operators at the bidding stage to set out more clearly their intentions to improve

accessibility on their network, underpinned by a costed financial model they can be held accountable to deliver, or whether greater emphasis should be given to the use of central ring-fenced funds. This will depend on the balance of incentives in operating contracts and the way that funds flow between operators, government and the infrastructure managers in the future.

Changes to incentives in this area could potentially have a significant impact on the provision of accessible services. Incentives such as bonus payments in contracts linked to the uptake of assistance, for instance, could encourage innovation and investment, or at least incentivise operators to better advertise their assisted travel services and potentially increase staffing at certain stations to facilitate more assisted journeys. The desirability of such mechanisms would need to be considered in light of the future approach to procuring passenger services.

RECOMMENDATION:

We recommend that the Williams Rail Review includes consideration of the use of commercial incentives to further support improvements to accessibility, including increasing the volume and quality of accessible journeys made by passengers.

16. Consideration of a universal service obligation for assisted travel

Depending on the future framework of passenger services, it is also possible that the rail sector could explore whether a universal service obligation for assisted travel is a viable and deliverable commitment. The definition of a universal service obligation, and its model of funding and delivery, could be informed by the approach of other sectors, which serve to protect vulnerable customers by guaranteeing them access to essential services. Such obligations usually require a form of overt cross-subsidisation between users of services, rather than a reliance on taxpayer funding. In rail, for instance, this could be funded independently by a small levy on all passenger fares to support the service. In aviation, the sector has collectively explored options for universal assistance where this is delivered by specialist third-party providers in airports rather than by the airlines themselves, and the costs are recovered via a levy on air fares. Rail could learn from such schemes. Alternative approaches in rail should have the objective of trying to counter intrinsic financial incentives on commercial operators whose profitability may be threatened by any significant increase in the volume of assisted journeys on their services. If the responsibility for the provision of assistance was placed with a third-

party whose costs were recovered independently it would potentially incentivise train operators to do more to attract disabled passengers if the additional cost associated with enabling their journey was negated.

RECOMMENDATION :

We recommend that the Williams Rail Review considers the concept of a universal service obligation within its wider plans and proposals. This should include whether a review of the use of universal service offerings in other sectors should be undertaken to establish if there is scope for such a scheme to be introduced in rail to support a higher volume of accessible journeys.

LONG-TERM REFORM

Theme

Infrastructure and rolling stock

17. Review of rail vehicle accessibility standards

The standards for accessible rail vehicles were originally mandated in the 1998 Rail Vehicle Access Regulations (RVAR). These requirements were subsequently included within, and reinforced by, the 2014 European interoperability standard for Persons with Reduced Mobility (PRM TSI). These standards focus primarily on the physical characteristics of vehicles, such as spaces for wheelchair users, but also cover things like the

provision of information. They have brought about improvements of benefit to passengers with specific accessibility requirements, as well as more general benefits to all passengers.

The RVAR standards apply to all new or refurbished rolling stock, and the sector has made good progress in bringing the fleet up to specification. By the end of 2019 all passenger rail vehicles are expected to meet the required standards.

There is, however, a risk that the rail industry rests on its laurels, and that the trajectory of improving accessibility for rolling stock plateaus, even when rolling stock is replaced or otherwise upgraded.

Having achieved an industry-wide baseline for accessible rolling stock, there is an opportunity for government and industry to review the applicable standards – whether they remain fit for purpose, whether further improvements could be made for the next decades, and how to prioritise implementation and monitor compliance. The UK's withdrawal from the European Union also presents an opportunity to review whether the provisions and requirements of the PRM TSI remain the most appropriate vehicle to promote further improvements. A review will also allow government and industry to reflect on aspects of the RVAR regime that have drawn criticism.

Firstly, the provisions of RVAR and PRM TSI were developed in the 1990s, and reflect the technical capabilities and understanding of accessibility of the late 20th century – with a notable emphasis on the needs of those with mobility or sensory impairments. As such they may not adequately reflect the requirements of, for example, passengers with Crohn’s disease, or learning disabilities that inhibit the assimilation of information.

Secondly, the review of RVAR / PRM TSI might consider the stipulated timescales for the rectification of defects or damage to items required by the standards, which currently require repair or replacement within a maximum of 6 days. It is questionable whether this timescale is appropriate in all cases – for example, it may be unduly lengthy in the case of wheelchair-accessible toilets, where the facility may simply be out of use because of a full retention tank.

Lastly, the requirements of RVAR and PRM TSI are prescriptive, and based on rules-compliance, rather than goal-setting. While this has helped to establish a consistent baseline, it has meant that accessibility improvements have sometimes been delivered according to the schedule of fleet-renewal, rather than on the basis of prioritised need. It also causes a tension within the legal mechanisms for RVAR enforcement. This falls to ORR under the Health and Safety at Work Act, which has

a greater emphasis on considerations of due regard and reasonable practicability. The review of RVAR should consider this, and whether there may be scope for introducing a different legal framework for the enforcement of RVAR requirements, for example under the Regulatory Enforcement and Sanctions Act 2008.

RECOMMENDATION:

We recommend that, within the next 6 years, government undertakes or commissions a review of the existing RVAR / PRM TSI requirements and legal framework. This review should aim to ensure that the legal framework for rolling stock accessibility is fit for purpose and conducive to continued improvement over the next decades. The review should seek appropriate input from industry and stakeholder groups, including RSSB, DPTAC and ORR. It should consider how best to reflect changes in technical capability and understanding of accessibility requirements, and the appropriate legal framework for monitoring and enforcement.



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