

ORR activities and equality information

ORR is the independent safety and economic regulator of the railways in Great Britain. This table outlines the elements of our safety and economic work that in our view have most effect on groups of people sharing protected characteristics, and where ORR currently takes into account the three arms of the general equality duty:

- Eliminating unlawful discrimination
- Advancing equality of opportunity
- Fostering good relations.

ORR's primary roles are as health and safety regulator for the whole railway industry, and as economic regulator of Network Rail (the monopoly owner and operator of the national rail network). This includes setting the terms on which train operators use the network and other essential facilities. We also have competition powers for the rail sector and limited powers under consumer law. However, most regulation of train operators, including of fares and service quality, is by government through franchises and falls outside ORR's jurisdiction. Decisions on the level of funding for the railways are for government –and ORR works closely with the Department for Transport and Transport Scotland. We also work with other agencies and organisations –the Rail Safety and Standards Board and the Rail Accident Investigation Branch are just two of the stakeholders that support, inform, and help to implement the work of ORR. This table focuses primarily on the direct responsibilities of ORR, but indicates key interfaces with other organisations where appropriate. As we develop and implement the equality objective that we are required to set, we will consider whether the table should be expanded to cover other ORR work.

ORR and DfT are currently consulting on the transfer of further responsibilities from DfT to ORR. These potential functions include the specification of Passenger Complaints Policies, and Disabled People's Protection Policies through licence conditions. The table will be updated to include any new areas of work, if and when they are formally transferred to ORR.

Quantitative data on the impact of ORR policies for groups sharing protected characteristics is limited at present. ORR will consider how to improve the breadth and depth of this data as part of our Equality Objectives.

Annex 2: Analysis Of ORR functions relevant to the Equality Act 2010.

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3 arms – 1 eliminate unlawful discrimination, 2 advance equality of opportunity, 3 foster good relations.

Specific function / work area	Relevance	How is the function exercised with regard to ORR's duties under the Equality Act.	How do we evidence/record the exercise of this function to show equality has been considered (where relevant)?
- Enforcement Duties under the Health and Safety at Work Act (HSW 1974)	<p>Disability, age, pregnancy and maternity are characteristics with particular relevance to safety risk levels.</p> <p>Eliminating discrimination: Safety considerations and practices give due regard to groups with protected characteristics.</p> <p>Promoting equality: The railway should be safe for groups with protected characteristics to use.</p>	<p>The specific circumstances of workers and rail users with protected characteristics are reflected where appropriate eg: use of barrow crossings by wheelchair users, prams etc.</p> <p>Enforcement principles, and Enforcement Management Model, reflect the effect of protected characteristics on safety risk..</p> <p>Investigation decisions give due regard to the effect upon groups sharing protected characteristics.</p>	<p>Selection of stakeholder consultees and taking into account responses, on new and existing policies and procedures</p> <p>Recording how we take equality into account when developing policies and applying guidance in individual cases.</p>
- Guidance and research Duties under the Health and Safety at Work Act (HSW 1974)	<p>Disability, age, pregnancy and maternity are characteristics with particular relevance to safety risk levels.</p> <p>Eliminating discrimination: ORR</p>	<p>Publication of guidance, consultations and research.</p> <p>ORR convenes a panel of consumer experts, including representation from experts on</p>	<p>Explicit early references when developing policies and procedures.</p> <p>Equality analysis and impact assessments to identify any</p>

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Specific function / work area	Relevance	How is the function exercised with regard to ORR's duties under the Equality Act.	How do we evidence/record the exercise of this function to show equality has been considered (where relevant)?
	<p>guidance and research should give due regard to the needs and views of groups that share protected characteristics</p> <p>Promoting equality: Groups sharing protected characteristics should have the opportunity for input and feedback on guidance and research.</p> <p>Fostering good relations: Guidance should explicitly justify any recommendations, and disproportionate practices, to counter any 'special treatment' argument. Similarly, representative groups should be assured that their views have been taken into account, particularly if representations have been outweighed by other concerns in final policy decisions.</p>	disability-related issues.	areas of concern where appropriate.

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- Inspections and audits Duties under the Health and Safety at Work Act (HSW 1974)	<p>Disability, age, pregnancy and maternity are characteristics that may have particular relevance to safety risk levels.</p> <p>Eliminating discrimination: Inspections and audits give due regard to the needs of groups that share protected characteristics</p>	<p>Inspection procedure and practice pays explicit attention to the safety of groups sharing protected characteristics.</p> <p>Audit of duty-holder safety procedures gives due regard to impact on groups that share protected characteristics.</p> <p>Assurance of risk assessment procedures to ensure that groups with protected characteristics are included.</p>	Any concerns are recorded within case-management system, and acted upon where appropriate.
Accident and investigation	<p>Disability, age, pregnancy and maternity are characteristics with particular relevance to safety risk levels.</p> <p>Eliminating discrimination: Inspections and audits should give due regard to the needs of groups that share protected characteristics</p>	Follow up recommendations from Railway Accident Investigation Branch.	Equality analysis included when following up recommendations and as action is taken, if appropriate.

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Regulation and certification	<p>People with all protected characteristics may seek safety certificates / authorisations.</p> <p>Eliminating discrimination, promoting equality: Important to ensure that regulation and certification do not unduly discriminate against groups sharing protected characteristics.</p> <p>Fostering good relations: Important to explain and justify lawful discrimination.</p>	<p>Certificates and authorisations are issued in accordance with ROGS guidance.</p> <p>Explain and justify any lawful discrimination as required (eg: colour-blindness for train drivers)</p>	<p>Specific references included in guidance.</p> <p>Consultation documents, and responses.</p> <p>Description of any amendments made in the light of EA 2010 duties.</p> <p>Equality analysis guidance included in regulatory impact assessments.</p>
Technical specifications on interoperability (TSI) and Rail Vehicle Access Regulations	<p>Disability, age, pregnancy and maternity are characteristics with particular relevance to TSI requirements</p> <p>Eliminating discrimination, promoting equality: Work to remove or minimise disadvantages and meet needs of people sharing</p>	<p>Influence TSI formulation to ensure that due regard is given to</p> <p>Monitoring and assurance of compliance with TSI, making sure vehicles are accessible in compliance with the law.</p> <p>Accurate and timely advice given</p>	<p>Publication of how needs of protected groups have been taken into account in formulation of TSIs.</p> <p>Published information on enforcement monitoring</p>

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	protected characteristics where these are different (eg: train design).	on exemptions	
Train driver licensing	<p>Relevant to people with all protected characteristics that want to become train drivers. Race, age, and sex may be of particular relevance.</p> <p>Eliminate discrimination: Important to ensure that people with characteristics are not subject to unlawful discrimination.</p> <p>Fostering good relations: Ensure that lawful discrimination is justified, where appropriate.</p>	<p>ORR is responsible for issuing licences to drivers and keeping the national register of licences. We inspect and monitor train operators' arrangements for training, competence management and fitness of drivers, and ensure that these do not discriminate unlawfully.</p>	<p>Guidance issued and records of decisions and appeals kept.</p>
Licences	<p>Licences for operators include conditions relating specifically to disability.</p> <p>Eliminating discrimination and promoting equality of</p>	<p>ORR issues and modifies licences, and is responsible for guidance and enforcement.</p> <p>We play a role in influencing licence criteria set at a European</p>	<p>Penalties statement refers to s4 duties and one relates to disabled passengers.</p> <p>Equality analysis.</p>

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	opportunity.	level, and implementing these criteria at a national level.	Work with stakeholders eg on enforcement of PRO obligations. Issue guidance. ORR's penalties statement refers to section 4 duties, with specific reference to disabled passengers
Network Rail regulation – Land disposal	Disability and age may be of particular relevance Promoting equality of opportunity. Land disposals may have an effect upon pre-existing facilities, eg: disabled parking.	When Network Rail refers a disposal to us for consent, it must provide a description of the proposals plus evidence of stakeholders' views and final positions together with any commentary on them. For every submission we expect Network Rail to consult the relevant stakeholders depending on the geographical location of the proposed disposal. It is expected that passenger representative organisations will represent the overall comments or views of individuals using the railways	Where relevant, equality analysis and recording of submissions from rail users.

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		when giving their views to Network Rail.	
Periodic Review	<p>Disability and age are characteristics with a particular relevance to mobility and access.</p> <p>Promoting equality of opportunity The price control includes funding specifically intended for use in access initiatives.</p>	The Department for Transport decides the scope and amount of Access for All funding. ORR is responsible for ensuring that the work is delivered, and delivered effectively.	Evaluation of Network Rail's performance and expenditure is included within the NR monitor.
Consumer law functions - enforcement	<p>Eliminating discrimination and promoting Arm 1, 2 & 3: Important that consumer law enforcement gives due regard to the Equality Act 2010</p> <p>ORR's market study programme will give consideration where relevant to equality concerns.</p>	When looking into consumer issues, ORR considers the effect upon people with protected characteristics. For example, when examining the issue of ticket retail and complexity, ORR will consider what impact this has on different groups of passengers.	Consumer-focused work will seek views of people with protected characteristics. Protected characteristics represented on consumer forum

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		<i>Use of forum of consumer experts – should include voices for protected groups.</i>	
Customer correspondence team, and external affairs team	<p>Disability, age and age may have an effect on the needs and concerns of individuals contacting ORR.</p> <p>Eliminate discrimination and promote equality of opportunity</p>	<p>ORR follows government guidance to ensure that our website is accessible.</p> <p>We give consideration to the potential requirements of consumers in terms of language and technology.</p> <p>We are currently working to establish a uniform categorisation system for passenger complaints, to ensure that any equality-related complaints are identified and acted upon.</p>	<p>ORR's website meets published criteria for public bodies.</p> <p>Complaints are recorded, and analysis conducted to identify any systemic issues.</p>

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