

Equality Information and Objectives 2024

Railway safety

Disability, age, and pregnancy and maternity are protected characteristics with particular relevance to safety risk levels, applying across ORR's work in this area. Our work also contributes to eliminating discrimination by giving due regard to groups sharing protected characteristics and promoting equality by making the railway safe for groups sharing protected characteristics to use. ORR's annual health and safety report summarises our work across this area.

Enforcement

The protected characteristics of workers and rail users are taken into account where appropriate. Our Enforcement Management Model and Enforcement Principles also reflect the effect of protected characteristics on safety risk. When developing new policies or procedures, we consider groups with protected characteristics when selecting stakeholder consultees and take their responses into account, recording how this has been done.

Any investigation decisions give due regard to the effect upon groups sharing protected characteristics. We respond to all complaints that relate to matters covered by the accessibility legislation that we enforce using Health and Safety at Work etc Act 1974 powers and follow up breaches of legal requirements. Improvement notices, prohibition notices and prosecutions will refer to equality issues where relevant.

Accident and investigation

We follow up recommendations from Railway Accident Investigation Branch. When investigating accidents and complaints we take protected characteristics into account if relevant as a

reasonable line of inquiry.

Where appropriate, equality analysis will be included when following up recommendations and as action is taken. If relevant, we will record our findings in the investigation report and take action as necessary.

Guidance and research

This contributes to advancing equality of opportunity by enabling groups sharing protected characteristics to provide input into guidance and research, while also liaising with the Disabled Passenger Transport Advisory Committee (DPTAC). It can also help in fostering good relations by explicitly justifying any recommendations and disproportionate practices to counter any 'special treatment' argument and 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.

When developing policies and procedures equality is considered at an early stage, and we use equality impact assessments to identify any areas of concern where appropriate.

Examples of our published guidance, which reference consideration of groups who share protected characteristics, include:

- Principles for Managing Level Crossing Safety
- Railway Safety Principles on Driver Controlled Operation
- Goal-setting Principles for Railway Health and Safety
- ORR's Health and Safety Crowding Position Statement

Inspections

Inspection procedure and practice pays explicit attention to the safety of groups sharing protected characteristics, and specifically to the potential impact on them. Assurance of risk assessment procedures ensures that that groups sharing protected characteristics are included.

Where relevant, any concerns are recorded within a case management system and are acted upon where appropriate. Any systemic concerns are reported in an annual health and safety report and raised with industry via the Railway Industry Health and Safety Advisory Committee.

Safety certification

People with all protected characteristics may seek safety certificates or authorisations. It is important to ensure that regulation and certification do not unduly discriminate against groups sharing protected characteristics, and this can contribute to eliminating discrimination and promoting equality of opportunity. To help in fostering good relations it is important to explain cases of lawful discrimination.

Certificates and authorisations are issued in accordance with the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS) guidance, which includes specific references to equality. Equality analysis is included in regulatory impact assessments.

Train driving licences

ORR is responsible for issuing licences to drivers and keeping the national register of licences. This can be relevant to people with all protected characteristics. Our work in this area contributes to eliminating discrimination by ensuring that groups sharing protected characteristics are not subject to unlawful discrimination, and helps in fostering good relations by ensuring any lawful discrimination is justified where appropriate.

As part of this work, we inspect and monitor train operators' arrangements for training, competence management and fitness of drivers, and ensure that these do not discriminate unlawfully. Conditions for the issue of a train driving licence, which are set out in legislation, include specific medical standards (e.g. vision requirements which drivers are examined against by doctors who are registered by ORR).

We issue guidance and keep records of decisions and appeals, but these are not published. We have clarified our guidance on how absence from driving due to maternity leave should be treated when applying the medical requirements of the regulations.