



## ORR Equality Information

The Office of Rail and Road (**ORR**) is the independent safety and economic regulator of the railways in Great Britain and the economic monitor of Highways England.

As a public body, ORR has duties under the Equality Act 2010 (EA2010). This table contains an outline of the elements of our work that may affect group of people sharing protected characteristics, and how ORR takes the three arms of the general equality duty into account.

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 some powers under consumer law. In addition, we have economic regulatory functions in relation to railways in Northern Ireland and for the northern half of the Channel Tunnel.

Passenger train operators are primarily regulated by government through franchise contracts, but ORR is responsible for setting and enforcing licence conditions on operators relating to complaints handling, passenger information and protection for disabled passengers. 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 and inform the work of ORR.

The following table focuses on the direct responsibilities of ORR with relevance to the EA2010, but also indicates key interfaces with other organisations where appropriate.

- Protected characteristics are – age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic or national origins, colour and nationality), religion or belief (including lack of belief), sex and sexual orientation.
- The three aims of the general equality duty are (1) eliminate unlawful discrimination (2) advance equality of opportunity (3) foster good relations.

The description of how ORR exercises its duties under the EA2010 is organised by function.

*Last updated: August 2020*

Specific function / work area	Relevance	How is the function exercised with regard to ORR's duties under EA2010	How do we evidence/record the exercise of this function to show consideration?	Further information.
<p><b>ORR's Decision making</b></p>	<p>Under <b>section 149 of the Equality Act 2010</b>, ORR must give "due regard" to the following three aims of general equality duty within our regulatory decision making:</p> <ul style="list-style-type: none"> <li>• <b>Eliminate unlawful discrimination:</b> Removing or minimizing disadvantages suffered by people with protected characteristics;</li> <li>• <b>Advance equality of opportunity:</b> Taking steps to meet the needs of people from protected groups; and</li> <li>• <b>Foster good relations:</b> encouraging people from protected groups to participate in public life.</li> </ul> <p>We must also consider the potential impacts of the policy on people with different protected characteristics and prohibited conduct in relation to people sharing these characteristics.</p>	<p>To consider the potential impact of the decision/policy on people with different protected characteristics.</p> <p>To have evidence to demonstrate that we have discharged our PSED obligations in our decision making.</p> <p>Given the nature of ORR's responsibilities in the sectors that we regulate, the primary area of focus for us is on <b>people with reduced mobility, which has relevance to the protected characteristics of disability, age, and pregnancy and maternity.</b></p> <p>The nine protected characteristics and prohibited conduct in relation to people sharing these characteristics being Age, Disability, Gender reassignment or gender identity, Marriage and civil partnership, Pregnant people and those on maternity leave, Race and ethnicity, Religion and belief, Sex, and Sexual orientation.</p>	<p>To ensure we are considering our Equality Duty in our decision making, we have</p> <ul style="list-style-type: none"> <li>• a box on the cover page of our Board/committee template signposting consideration of the PSED in our decision making and to ensure decision makers can monitor our compliance where relevant;</li> <li>• an additional paragraph on PSED in <i>section B – The objective(s) and developing the options</i> in the body of the Board/committee paper template.</li> </ul> <p>To demonstrate compliance we will</p> <ul style="list-style-type: none"> <li>• monitor policy papers going to PolCo and RegCo and keep a record of the <b>Equality Impact Assessments and Equality Statements</b> produced as part of our policy making; and</li> <li>• keep all our completed Equality Impact Assessments and Equality Statements on ORRacle at – <a href="#">Developing policy and regulatory decisions</a>.</li> </ul> <p>To support ORR's policy makers we have guidance available</p> <ul style="list-style-type: none"> <li>• on our <a href="#">Equality Impact Assessment or Equality Statement</a> and <a href="#">Developing policy and regulatory decisions</a> ORRacle pages and in <a href="#">ORR decision-making framework</a>.</li> </ul>	<p><a href="#">Webpage</a> on decision-making and accountability</p>

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<p><b>Accessible Travel Policies (ATPs)</b></p> <p>Setting and enforcing licence requirements for operators to develop, publish, maintain and comply with ATPs</p>	<p><b>This function is of specific relevance to Disability, and other protected characteristics that may involve reduced mobility.</b></p> <p><b>Eliminating unlawful discrimination:</b> Making sure that ATPs comply with the requirements of the ATP guidance, and ensuring the operators are fulfilling the commitments set out in those ATPs.</p> <p>Ensuring station operators comply with the joint 'Code of Practice': Design Standards for Accessible Stations</p> <p><b>Advance equality of opportunity:</b> the objective of ATPs is to advance the interests of people with disabilities that use the railways.</p>	<p>ORR sets and enforces the requirements of operator licences. One such condition is for train and station operators to establish and comply with an Accessible Travel Policy (ATP). This sets out the arrangements and assistance that an operator will provide to protect the interests of older and disabled people using its services. We approve these policies and monitor compliance with them.</p> <p>We also investigate reports of station operators not complying with the Code of Practice and, if necessary, take action</p> <p>We published revised ATP Guidance in July 2019, alongside an Equality Impact Assessments of the revisions made, and subsequently consulted on amending this guidance to strengthen the provision of accessible rail replacement services. We expect to publish further revisions in summer 2020, alongside and updated impact assessment. In the meantime we are approving ATPs submitted by licence holders and monitoring TOC compliance, with approved ATPs.</p>	<p>We published the 2019 ATP guidance, alongside an Equality Impact Assessment.</p> <p>For ATP approvals, we publish our decision letters, summarising any issues that were raised during the process, noting areas of good practice and shortfall.</p> <p>We monitor compliance with ATPs through our core data work, as well as via bespoke research, and publish the results in our <a href="#">annual consumer report</a>. We continue to publish the results of our ongoing survey of passengers who booked assistance.</p> <p>In 2017 we published the first of these surveys, alongside</p> <ul style="list-style-type: none"> <li>- a mystery shopper exercise of unbooked assistance.</li> <li>- a survey of passengers with disabilities, to gauge awareness</li> <li>- in-depth interviews with passengers, staff and industry leaders</li> </ul> <p>This established an evidence base to prioritise and target interventions.</p> <p>Our revised guidance will be subject to an updated Equalities Impact Assessment.</p>	<p>Information for passengers with disabilities on the types of services they can expect to receive when travelling by train is available on our website in our <a href="#">passengers with disabilities</a> page.</p> <p>Information for train and station operators on our role in <a href="#">approving and monitoring policies</a> is also available.</p> <p>Our consultations on improving assisted travel, and supporting research, <a href="#">can be found on our website</a>.</p>

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<p><b>Complaints Handling Procedures</b></p> <p>Setting and enforcing the licence requirement for train and station operators to establish and comply with a procedure for handling complaints.</p> <p>ORR sets requirements for these policies, approves them, and monitors compliance.</p>	<p><b>Disability, age, pregnancy and maternity</b> are protected characteristics with particular relevance to mobility, transport and rail.</p> <p>Passengers with <b>other protected characteristics</b> may have a complaint regarding their treatment</p> <p><b>Eliminating unlawful discrimination:</b> Passengers may make complaints with regard to how they have been treated as someone with a protected characteristic.</p>	<p>ORR has worked closely with stakeholders to establish a consistent reporting procedure for passenger complaints relating to discrimination and harassment.</p> <p>ORR publishes data on passenger complaints handling, including information on complaints relating to accessibility.</p>	<p>National Rail Portal records type of complaints received by operator, including 10 categories related to accessibility.</p> <p>Measuring Up report shows data on accessibility complaints, by operator.</p>	<p><a href="#">Complaints handling web-page</a>, including information for passengers and operators</p> <p><a href="#">Complaints data</a>, including guidance for operators.</p> <p>(</p>

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<p><b>Enforcement</b></p> <p>Duties under the Health and Safety at Work Act (HSW 1974)</p>	<p><b>Disability, age, pregnancy and maternity</b> are characteristics, related to mobility, with particular relevance to safety risk levels.</p> <p><b>Eliminating discrimination:</b> Safety considerations and practices should give due regard to groups with protected characteristics.</p> <p><b>Promoting equality:</b> 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, will be revised to reflect the effect of protected characteristics on safety risk, where appropriate.</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> <p>Improvement notices, prohibition notices and prosecutions will refer, where relevant.</p> <p>Annual health and safety report provides information on accessibility-related work.</p>	<p><a href="#">Webpage</a> on ORR's enforcement of rail vehicle accessibility legislation.</p> <p>Annual health and safety report. (<a href="#">Link</a>)</p>

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<p><b>Accident and investigation</b></p>	<p><b>Disability, age, pregnancy and maternity</b> are characteristics with particular relevance to safety risk levels.</p> <p><b>Eliminating discrimination:</b> Inspections and audits should give due regard to the needs of groups that share protected characteristics</p>	<p>Follow up recommendations from Railway Accident Investigation Branch.</p>	<p>Equality analysis included when following up recommendations and as action is taken, if appropriate.</p>	<p><a href="#">Webpage</a></p>

<p><b>Guidance and research</b></p> <p>Duties under the Health and Safety at Work Act (HSW 1974)</p>	<p><b>Disability, age, pregnancy and maternity</b> are characteristics with particular relevance to safety risk levels.</p> <p><b>Eliminating discrimination:</b> ORR guidance and research should give due regard to the needs and views of groups that share protected characteristics</p> <p><b>Promoting equality:</b> Groups sharing protected characteristics should have the opportunity for input and feedback on guidance and research.</p> <p><b>Fostering good relations:</b> 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>	<p>Publication of guidance, consultations and research.</p> <p>ORR convenes a panel of consumer experts, which has access to expertise on disability-related issues from the Disabled Passengers Transport Advisory Committee</p> <p>ORR seeks input on policy consultations from groups representing people with protected characteristics, and liaises where appropriate with the Disabled Passenger Transport Advisory Committee.</p>	<p>Explicit early references when developing policies and procedures.</p> <p>Equality analysis and impact assessments to identify any areas of concern where appropriate.</p> <p>(Level crossings publication (2011) refers to users with reduced mobility.</p> <p>(Policy guidance on Driver Controlled Operation polic refers).</p>	<p>Health and safety strategy <a href="#">webpage</a></p> <p>DPTAC <a href="#">website</a></p>
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<p><b>Inspections and audits</b></p> <p>Duties under the Health and Safety at Work Act (HSW 1974)</p>	<p><b>Disability, age, pregnancy and maternity</b> are characteristics that may have particular relevance to safety risk levels.</p> <p><b>Eliminating discrimination:</b> 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>	<p>Concerns are recorded within case-management system where relevant, and acted upon where appropriate.</p> <p>Any systemic concerns are reported in Annual Health and Safety report, and raised with industry via RIHSAC</p>	<p>Railway Industry Health and Safety Advisory Committee <a href="#">webpage</a></p> <p>Health and safety strategy <a href="#">webpage</a></p>



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<p><b>Safety certification</b></p>	<p><b>Eliminating discrimination, promoting equality:</b> Important to ensure that regulation and certification do not unduly discriminate against groups sharing protected characteristics.</p> <p><b>Fostering good relations:</b> Important to explain 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. (Strategic Risk Chapter 12 refers)</p> <p>Equality analysis guidance included in regulatory impact assessments.</p>	<p><a href="#">Webpage</a></p>

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<p><b>Train driver licensing</b></p>	<p>Relevant to people with all protected characteristics that want to become train drivers. <b>Race, age, and sex</b> may be of particular relevance.</p> <p><b>Eliminate discrimination:</b> Important to ensure that people with characteristics are not subject to unlawful discrimination.</p> <p><b>Fostering good relations:</b> 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 (not published).</p> <p>We have recently clarified our guidance on how we deal with absence from driving due to maternity leave</p>	<p><a href="#">Webpage</a> on ORR's train driver licensing</p>

<p><b>Technical specifications on interoperability (TSI) and Rail Vehicle Accessibility Regulations (RVAR)</b></p>	<p><b>Disability, age, pregnancy and maternity</b> are characteristics with particular relevance to requirements under the Persons with Reduced Mobility (PRM) TSI</p> <p><b>Eliminating discrimination, promoting equality:</b> Work to remove or minimise disadvantages and meet needs of people sharing protected characteristics where these are different (eg: train design).</p>	<p>DfT is the policy lead on accessibility for rail; ORR has enforcement powers in respect of the technical standards for rail vehicle accessibility defined in PRM TSI and RVAR.</p> <p>ORR seat at PRM TSI working party filled by specialist from RSSB.</p> <p>Reactive monitoring and assurance of compliance with TSI and RVAR, making sure vehicles are accessible in compliance with the law by responding to reports submitted by members of the public, stakeholders and ORR staff. We use a supplement to the enforcement management model as an aid to decision-making for our enforcement approach to accessibility non-compliances, as they are not health and safety matters.</p> <p>Accurate and timely advice given on exemption, deviation, dispensation and derogation processes (the processes for these modifications to standards fall to other bodies).</p> <p>Consultee for DfT's exemption, deviation and derogation processes, although ORR input is in respect of health &amp; safety implications and effect on ORR's ability to exercise enforcement powers.</p>	<p>Publication of how needs of protected groups have been taken into account in formulation of TSIs. (see <a href="#">ERA website</a>)</p> <p>We retain evidence for decisions on authorisations. DfT keeps information on exemption, dispensation and derogation decisions. RSSB keeps information on deviation decisions.</p>	<p><a href="#">Webpage</a> on ORR's enforcement of rail vehicle accessibility legislation.</p> <p><a href="#">Webpage</a> on TSI authorisation process.</p> <p><a href="#">Webpage</a> on ORR's supplement to the HSE enforcement management model</p> <p>ERA <a href="#">webpage</a> on TSI requirements</p> <p>DfT <a href="#">webpage</a> on rail vehicle accessibility</p>
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<p><b>Network Rail regulation</b> – Land disposal</p>	<p><b>Disability and age</b> may be of particular relevance, from time to time.</p> <p><b>Promoting equality of opportunity.</b> Land disposals may have an effect upon pre-existing facilities, eg: disabled parking.</p>	<p>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.</p> <p>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 when giving their views to Network Rail.</p>	<p>Our published land disposal guidance refers to EA2010 duties.</p> <p>We scan for Equalities Act issues arising in casework. Where found, we record them in our casework notes, consider the associated views, issues and impacts and have regard to them in reaching a decision.</p> <p>All land disposal casework is filed electronically in "Box" our corporate cloud-based storage and retrieval system.</p>	<p><a href="#">Webpage</a> on land disposal</p>

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<p><b>Network Rail regulation: Periodic Review</b></p> <p>Railways Act</p>	<p><b>Disability and age</b> are characteristics with a particular relevance to mobility and access.</p> <p><b>Promoting equality of opportunity</b> The price control includes funding specifically intended for use in access initiatives.</p>	<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, effectively and efficiently.</p>	<p>Evaluation of Network Rail's performance and expenditure is included within the NR monitor.</p> <p>ORR attend periodic Programme Boards with NR, DfT and TS to monitor governance of the Access For All (AfA) ring-fenced fund. Any issues would be reported in the NR monitor, however there have been no issues to report in CP5 or year 1 of CP6.</p> <p>AfA funding and the list of stations which will receive improvements has been set for CP6. Details can be found on the Government website <a href="#">here</a>.</p>	<p>Access for all <a href="#">website</a> (DfT)</p> <p>Access For all <a href="#">website</a> with map of schemes (NR)</p>

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<p><b>Consumer law functions</b></p> <p>- enforcement under Part 8 of the Enterprise Act</p>	<p><b>Eliminating discrimination and promoting Arm 1, 2 &amp; 3:</b> Important that consumer law enforcement gives due regard to the Equality Act 2010.</p>	<p>Part 8 of the EA02 can be used only where an infringement harms the collective interests of consumers. The breach must affect, or have the potential to affect, consumers generally or a group of consumers – this can include a group with certain shared characteristics, such as age or disability.</p>	<p>In exercising our consumer enforcement function, we will have regard to those impacted by the offending act or behaviour.</p> <p>Relevant evidence taken into consideration will be recorded within our corporate decision-making documents.</p>	<p><a href="#">Webpage</a></p>
<p><b>Highways Monitor</b></p>	<p>Mainly indirect through how our monitoring affects Highways England's delivery. <b>Disability and age</b> are characteristics with a particular relevance to mobility and access.</p>	<p>The Department for Transport sets the requirements in the RIS, including the performance specification and the scope and size of ring-fenced funds. ORR is responsible for monitoring Highways England's delivery of those requirements.</p>	<p>Recording how we take equality into account when developing policies.</p>	<p><a href="#">Webpage</a></p> <p>(Adam Spencer-Bickle)</p>



## **ORR Equality Objectives**

The Office of Rail and Road (**ORR**) is the independent safety and economic regulator of the railways in Great Britain and the economic monitor of Highways England.

As a public body, ORR has duties under the Equality Act 2010 (EA2010). To this end, ORR has published the following Equality Objectives, setting out some of the ways that ORR will be working to advance the aims of EA2010. These objectives reflect just some of the work that ORR does in this area.

**ORR will promote improvements to accessibility for disabled passengers and passengers with reduced mobility.** To facilitate this ORR will undertake the following activities, and report on progress.

- a. ORR will work to improve the reliability of booked assistance by
  - a. Working with a pilot group of operators to continue trial testing of reliability safeguards in booked assistance
  - b. Publishing data showing the rate of change over time for booked assistance delivery.
- b. As part of ORR's monitoring of Accessible Travel Policies, ORR will keep train operators' plans for staff disability awareness training under review, to ensure ORR's required outcomes and deadlines are met.
- c. ORR will published revised ATP Guidance including new requirements relating to the accessibility of rail replacement services. ORR will work with DVSA to provide clarity about how the accessibility rules for these services will be monitored and enforced.

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