



OFFICE OF RAIL REGULATION

## Disabled Persons Protection Policies (DPPP) industry workshop – Monday 9 March 2015

There is a need to empower confident use of the railways by disabled passengers and promote awareness of the advice and assistance available to them. Significant investment over the last decade has led to greater accessibility at many stations, improving the experience of disabled travellers and enabling more journeys to be made independently of any assistance. There is a determination amongst Network Rail (NR) and train operators to provide a better quality service to customers with disabilities and regulation has an important role to play in maintaining focus in this area and delivering the desired outcome for passengers.

### Objective of the workshop

A workshop was arranged at the request of ATOC in response to ORR's Open Letter of 18<sup>th</sup> December 2014 regarding the compliance and approval process for Disabled Person's Protection Policies (DPPPs). The purpose of the workshop was to:

- address some high-level concerns that had been expressed following our letter
- clarify our intentions, position and listen to the various considerations from operators and NR
- set out some context on related work and consider how we can improve how we work together on key areas of regulatory policy
- agree a process and timescales for moving forward including the sign-off of outstanding DPPPs.

### Key themes discussed

**Points of principle** – NR and all operators have an obligation to have and comply with an approved DPPP and ORR needs to ensure those DPPPs comply with the 2009 Guidance. ORR's recent work in this area is not looking for wholesale change to the services offered to disabled passengers. In addition, we are not looking to impose significant costs on operators and indeed the passenger licence specifically addresses this as ORR cannot oblige the licence holder "*to undertake any action that entails excessive costs.....*"

**Available assistance at unstaffed stations** – ORR do not expect operators to staff all unstaffed stations but we do expect the reasonable needs of disabled passengers to be taken into account. Our letter of 18<sup>th</sup> December was intended to encourage dialogue with individual licence holders about what is and is not reasonable in the circumstances, taking both the needs of the passenger and costs to the company into account. It has previously been recognised that there is a balance to be struck between encouraging greater consistency in the approach taken by operators and not inhibiting operators from innovating or being able to take into account the specific needs of their customers.

Given this, of primary concern is the apparent approach by some companies in applying a blanket policy for disabled passengers intending to travel to or from an unstaffed station, which does not allow any account to be taken of the needs of individual passengers. Operators already frequently provide alternative transport such as taxis to enable disabled passengers to make journeys by train. In some circumstances, where the passenger has pre-booked assistance, it may be appropriate to provide a taxi to take the passenger to the next accessible station. But in some circumstances it may be more appropriate to roster staff so that they are available to assist passengers at the relevant point in the journey.

It was recognised that circumstances will vary for individual passengers, operators and at different stations and that some published policies may not fully reflect the level of assistance that is currently provided on a business as usual basis. Against this background, our approach is to review DPPPs with NR and operators to understand how they ensure that reasonable assistance can be provided to meet passenger needs, clearly explain this in published policies and ensure that any gap between what is published and what is done in reality can be addressed. As highlighted below ORR's initial approach to compliance and enforcement in this area is as set out in the attached slides ie where there is evidence to suggest that an operator is not achieving good outcomes for passengers in respect of its DPPP obligations, we will discuss this constructively with the operator concerned.

**Booking of assistance for travel on 27<sup>th</sup> December** – Consideration was given to how feasible it was to enable booked assistance to be provided for disabled travellers on the 27<sup>th</sup> December when, in general, train operators close down on Christmas Day and Boxing Day but at the same time request that assistance is booked with 24 hours' notice. It was recognised that the demand for such bookings to be made at this time may be low, meaning that there may be a disproportionate cost to facilitate such a service by each operator. However, it was also recognised that there may be a more industry wide solution or practice that could ensure that passengers could arrange the necessary assistance but which avoided the need for disproportionate operational arrangements to be developed.

**Enforcement policy** - Our July 2014 Regulatory Statement on DPPP said “where there is evidence to suggest that an operator is not achieving good outcomes for passengers in respect of its DPPP obligations, we will discuss this constructively with the operator concerned.” This position is not changed by the recent consultation on our Penalties and Enforcement policy but key points to note:

- We will focus our resources and priorities on systemic issues
- Our escalation approach is essential for addressing issues with licensees
- Avoidance of double jeopardy is a fundamental concern and we are committed to achieving efficient cooperation with DfT / Transport Scotland (TS) should this seem a likely situation to arise for NR or any operator. The principles of Better Regulation are important here.

**Communication and transparency** – Concerns were expressed over the tone, timing and unexpected content of recent communications on DPPP compliance and the approval process. It was noted that the ongoing discussions between ORR and operators would not cause DPPPs to “time out” irrespective of the previously proposed deadline for resubmission of DPPPs. It was agreed that the outcome of the workshop would now assist in determining the next steps.

It was recognised that regulatory communications need to be unambiguous and while publication of an open letter may be transparent and efficient in highlighting common themes it can suggest that all companies have similar approaches when clearly situations can vary substantially between them. It was also recognised that the provision of assistance to disabled travellers has significantly improved over recent years. Therefore, while more may need to be done, such improvements should, where appropriate, be noted in published regulatory communications to acknowledge the progress that the industry is making.

## **Actions / Next Steps**

- 1) ORR to meet with DfT / TS to discuss issues covered at the workshop and also wider industry initiatives around DPPPs eg the ability for passengers to book assistance for travel on 27<sup>th</sup> December and any potential impact on funding requirements of proposals in this area.**
- 2) RDG to consider what more strategic work they may wish to undertake to assist members in supporting disabled passengers to make confident use of the railways.**
- 3) From April ORR will progress individual discussion with NR and TOCs on the approval of DPPPs recognising that assistance for disabled passengers**

**will vary depending on their individual circumstances, the station from which they wish to travel and the ability of the operator to provide the necessary level of support. DfT/TS will have the opportunity to attend such meetings.**

- 4) ORR and RDG to discuss what operators are doing to raise awareness of the passenger assist service to those passengers that could benefit most from using the service and consider if any additional collaborative activity may support this work.**

**Attendees:** Rudd Hacket (Kelios Group), Tunde Olatunji (National Express), Stephen Chamberlain (Welsh Assembly Govt), Chris Hagyard (Virgin Trains), Kelly Henshall (Go-Ahead Group), Richard McClean (Grand Central), Mark Wilkins (First Group), Nick Ellins (RDG), David Sindall (ATOC), Stephen Bond (Northern Rail), Jayne Moyses (East Midland Trains), Stuart White (DfT), Paul Seller (DfT), Emma Donnelly (Cross Country Trains), Katherine Bird (Network Rail), Peter Collins (Network Rail), Stephanie Tobyn (ORR), Annette Egginton (ORR), John Trippier (ORR), Scott Hamilton (ORR).