



Accessibility Action Plan consultation ~ Response from Campaign for Better Transport

20 November 2017

1. Campaign for Better Transport welcomes the opportunity to respond to this inquiry. Established for over 40 years, we are a national charity working in England and Wales to promote more sustainable transport. Through research and campaigning, we advocate policy and public investment decisions that support better bus and rail services and alternatives to major road building.
2. Overall, we welcome the broad scope of the Accessibility Action Plan and emphasis on greater enforcement, and a greater emphasis on transport access since the last election. Disabled transport users have been failed by a lack of regulation, monitoring and enforcement. More and better guidelines are not equal to the challenge that we face.
3. For more than twenty years it has been unlawful for a transport provider or a local authority to fail to make reasonable adjustments for disabled people; to refuse service to a disabled person because of their disability; or to offer service at a lower standard or different terms to a person because of their disability. However, survey after survey shows that these experiences are normal and everyday for disabled people, across modes.
4. Currently, when disabled people complain about, for example, assistance not turning up while using rail, being overcharged for using a minicab or being refused access onto a bus, they might receive a letter of apology but rarely more. After years of cuts to legal aid, a vanishingly low number of disabled people have the confidence, knowledge and money to take legal action.
5. Moreover, while most passengers have been affected by the rise in rail fares, the decline in the number of staff on board trains and at ticket offices, and a huge reduction in the number and frequency of bus routes, these have affected disabled passengers disproportionately. Disabled people are half as likely to have a car compared to the general population and many are physically unable to walk or cycle far. Thus when they cannot access one mode, they lack the 'back-up options' that non-disabled people enjoy and are more likely to simply not go out, and become isolated.
6. Poor transport access is perhaps the biggest barrier to disabled people in the UK being able to enjoy the rights enshrined in the UN Convention on the Rights of Disabled People: to live independently and participate fully in family life, in public life and in work.
7. Running through our consultation response are three themes:
 - **The need for regulation.** The proposed action plan emphasises guidelines. However, *regulation* is needed, because guidelines are too easily ignored. We

would not tolerate transport safety merely being led by guidelines, there are regulated standards. Disabled people's access to transport – and thereby to work, education, public life and family life - requires regulation too.

- **The need for monitoring and enforcement.** Even when there are statutory standards (e.g. on disabled people's right to rail assistance; to access the wheelchair space in buses and to access a taxi for the same fare as a non-disabled person) these are often flouted.
 - **National training standards on every mode.** Disability equality training is desirable for *all* transport staff (TfL have recently required managers to take a journey with a disabled person) but *necessary* for frontline staff; and e-training is not sufficient
 - **Stronger penalties for refusing access.** The Government and transport operators should ensure that when transport operators or local authorities fail disabled people in terms of access, that there are real consequences including fines for the bodies concerned, and disciplinary action against staff. Letters of apology and promises to do better tend to be the current standard when disabled people complain, even when the failure is unlawful.
8. This consultation response will disregard air and maritime, modes which are not a core part of Campaign for Better Transport's work.
9. We **support** Action 1, updating Inclusive Mobility Guidance, but we support setting some minimum statutory standards as part of this guidance (e.g. contrast tactile paving). In addition, we support outlawing pavement parking unless specifically designated, as in Greater London. A survey by Guide Dogs showed 97 percent of blind or partially sighted people encounter problems with street obstructions, and 90 percent of those had experienced trouble with a pavement parked car.
10. We **support** action on shared space pending the recommendations of CIHT's work. A number of local authorities, notably Kensington and Chelsea, have implemented Shared Space schemes in ways which at best are confusing to pedestrians, and at worst are actively dangerous and lead to 'no-go' areas for visually impaired people and to [deaths](#). We would like to see clear standards, not simply guidance.
11. We **agree** with the implementation of the Accessible Information Requirement on local bus services – this will make a huge difference to hard of hearing and visually impaired bus passengers. Crucially, there must be enforcement. Despite funding for enforcement, the DVSA has failed to enforce legislation on step-free buses (<https://www.transportxtra.com/publications/local-transport-today/news/55038/number-of-prosecutions-for-step-entrance-buses-is-zero>)
12. The ENCTS is crucial in enabling mobility for disabled people across the UK, supporting them to participate in public life in a way that might otherwise be unaffordable. The impacts on people's health (particularly mental health) and economic and social participation outweigh the costs. However, since 2010, bus services in England and Wales have been cut by a third. Many places have been left with either no transport at all, or very infrequent buses that leave people unable to go out in the evenings or at weekends. This means that there are now millions of older and disabled people with a bus pass, but no bus. If disabled people are to be able to get out and about, local buses are essential. Demand responsive schemes, though better than nothing, often lack the reliability of buses and are not available at the busiest times when needed; and do not enable spontaneous travel. Moreover, they are often segregated, used only by older and disabled people. A key demand of the disability rights movement has been an end to segregation, to travel alongside non-disabled people, and demand-responsive and community-run transport can mitigate against this.

The most important change needed to the ENCTS is the nationwide introduction of a Companion Pass. Several local authorities already offer this. Disabled people with more

severe impairments cannot easily travel independently and require a carer or PA. This means that perversely, those with most severe impairments face an additional cost barrier to accessing transport, as they must pay full fare for their companion. I have spoken to carers who cannot afford to make all the journeys they'd like to make, limiting their freedom and the freedom of the person they care for. A companion pass means, like a disabled person's railcard, would be granted (on assessment) to the disabled person and allow free travel to them and anyone travelling with them.

13. We **support** the proposal to review and support best practice guidance for taxi and PHV licensing. However, we strongly urge the Government to end the delay in implementing Section 165 of the Equality Act in line with the will of Parliament and ending taxi and PHV discrimination against wheelchair users. It cannot be right that it is unlawful for taxi and PHV drivers to charge extra for transporting assistance dog users, or refuse assistance, or refuse a user; yet [in the majority local authorities](#) which have not produced a list in line with S167, there is no recourse for wheelchair users treated in this way. Wheelchair users report that being driven past; and being overcharged, is routine (e.g. in [Middlesborough](#); in [Hull](#); in [Wycombe](#); in [Bradford](#), in [London](#)).

Secondly, we would like to see mandatory disability equality training for taxi and PHV drivers as a condition of licensing. Without this, many will drivers remain unaware not only of the law regarding serving for disabled people; but of practical steps they can take to assist people with a variety of impairments. This training should be mandatory across the UK, not left to the discretion of local authorities.

14. We **support** measures to increase the number of accessible taxis and PHVs. The lack of accessible vehicles is a huge challenge for disabled people. The London black taxi is a model of accessibility, with wheelchair access, a step, high-contrast grabrails, and a hearing loop; although the cost of a 'black cab' remains prohibitive for many disabled people, even with subsidy schemes like Taxicard. However, in many areas of the country, there are so few accessible vehicles that disabled people face long waits if they call for a taxi or PHV; and during the school run when many firms are contracted out for home-to-school transport, it is impossible to get a taxi or PHV. The DfT has a role to play in disseminating information on vehicle accessibility, and encouraging local authorities to set ambitious targets for a 100% accessible fleet.
15. We **support** measures to roll out station access improvements through extending the Access for All programme. Present funding levels are inadequate to the level of need: around two fifths of the rail network is inaccessible to those who can't manage stairs; and many with mobility impairments, even when they can access the platform, struggle to manage the step or gap onto the train. In addition, we would like to see more done to support third party funding for access, through, for example, agreements with developers. There are clear financial benefits for train operators when access is improved, and we believe that TOCs should play a greater role in funding access. We would like to see ambitious milestones set for 25%; 50% and eventually 100% of the network to be step-free – at present rate of progress, it will take over 200 years. This is unacceptable. We would also like to see more Harrington humps, which enable step-free access onto trains, without the anxiety of having to rely on a member of staff.

In addition, most rail stations do not have the tactile markings by platforms and staircases and the high-contrast lines along the platform that make them safe for VI and blind people to negotiate; or sometimes the tactile has worn down over the years. This is a deterrent to VI people travelling, and has also led to VI people falling onto tracks. It is, of course, also often unlawful as it is a reasonable

adjustment. The Netherlands recently completed 100 percent tactile coverage at their stations. The UK should carry out a programme to reach this goal.

16. We **support** much better information on station access. The ORR has found that knowledge among disabled people about their right to rail assistance is woefully low. Furthermore, very few disabled people realise that the train company has an obligation to provide them with alternative transport when they cannot use a station, and consequently, uptake is very low. This information is hidden in the small print of DPPPs. The DfT should work with RDG to ensure that this information is provided to everyone who applies for a disabled person's railcard; and that there is a poster campaign about the right to alternative transport. Similarly, when lifts are out of action, the DfT should mandate TOCs to display signage indicating that disabled people are entitled to alternative transport if they rely on a lift.

Information on this and other transport access initiatives, such as travel mentoring and door-to-door schemes should be made available to people when they receive a bus pass; and through healthcare services.

17. We **support** the publication of performance data on accessible features on trains, but would like this to be supplemented with penalties for TOCs which perform badly. In particular, on trains which lack audio-visual announcements, drivers routinely fail to make announcements of which stations they are pulling into, although this is a reasonable adjustment. DfT should remind TOCs that they need to monitor and enforce the announcement of stations, as without this, VI people either miss their stop, or spend the journey in a state of anxiety, counting stops.
18. Ending the recommendation that disabled people should book 24 hours ahead to access assistance using rail must be a priority for DfT. This 'recommendation' is in practice often communicated to disabled people as a priority. Booking ahead is, for many people, especially those who commute by rail, fundamentally incompatible with holding a job or having a social life. DfT should mandate TOCs to offer turn-up-and-go assistance whenever a station is staffed, and require the booking period for unstaffed stations to be reduced to an hour. Where stations are not staffed from first to last train, on-board staff should be available to offer assistance boarding and disembarking.
19. While we welcome innovations enabling disabled people to use an app to request assistance, it is important that disabled people who do not have a smartphone or choose not to use one still have the means to access assistance. The dismal record of failed assistance bookings is one of the major disincentives to disabled people using rail. TOCs must do more to monitor bookings made, and delivered, to investigate when assistance fails and to discipline staff who fail disabled people.
20. We **support** measures to ensure that disability equality training for bus drivers meets best practice. DET should be delivered in person, not through e-training, and where possible by disabled people. All bus drivers should receive this training *before* they go out on the road, not a year or two into their job.

However, driver training should go alongside good bus design. While it is welcome that all buses must now be wheelchair accessible, the fact that many buses have a wheelchair space that doubles up, in practice, as a buggy space, creates unnecessary conflict and puts the driver in a difficult position. We would like the DfT to disseminate best practice in bus design, encouraging more vehicles like those in Oxford, Edinburgh, Cardiff, Brighton

and elsewhere, where a buggy space AND a wheelchair space reduce conflict (including for guidedog users, those with walking frames and scooter users). Where buses only have a wheelchair space, DfT should mandate signage making clear that wheelchair users have priority by law.

21. We **support** actions to improve the availability of accessible toilets at bus and rail stations and on trains, and believe that toilet unavailability is an under-recognised barrier to many older and disabled people. However, in practice, toilets are often available but locked. We support measures to incentivise keeping toilets open.
22. We **support** measures to increase the visibility and availability of trained members of staff on trains and at stations. Help points and CCTV cameras are no substitute for trained staff able to offer advice. Protecting staffing levels not only facilitates assistance, but also increases disabled people's perception of safety when using transport, and deters hate crime.
23. We **oppose** the promotion of the 'need' for training scooter users. There is a pernicious double standard when it comes to scooter users, compared to wheelchair users, with a number of transport operators unreasonably barring scooter users from their services. Scooters are a vital mobility aid and enable many disabled people to travel with a freedom they would not otherwise enjoy. Contrary to popular opinion, scooters do not necessarily have a wider turning circle than wheelchairs. Scooters are in essence wheelchairs with handlebars – in fact, some wheelchairs are available which convert to scooters with the addition of handlebars. Regulation of mobility aids should be based purely on what is *safe* to take on a bus, tram or train, looking at the size and turning circle of a mobility aid. Many scooters are smaller than most motorised wheelchairs, and banning them unnecessarily and arguably unlawfully restricts disabled people's independence and ability to live full lives. Any decision to target measures, whether training or barring from a particular form of transport, at scooter users but not wheelchair users, must be based on evidence not prejudice.
24. We **support** updating guidance and regulation around wheelchair access to include access for scooters and larger wheelchairs, based on research and evidence of size and turning circle. A kite-mark scheme is one possibility, enabling disabled people to make informed choices about what to purchase. The use of the 'reference wheelchair' in legislation is unfit for purpose, as almost all wheelchairs in use are now bigger than a reference wheelchair.
25. We **support** training for civil servants in DfT on the law and good practice with respect to disability awareness and equality issues. Where appropriate, this should include taking journeys with disabled people.
26. We **support** work with local authorities to raise their awareness of the Public Sector Equality Duty under the Equality Act 2010 in relation to local transport and transport facilities. Many bus stops are inaccessible due to kerb height or lack of a 'box' to enable buses to pull into the kerb; many pedestrian crossings do not enable sufficient time for those with mobility impairments to cross, and lack a working 'cone' to make them accessible to VI people. More local authorities need to be aware of these, and other, transport issues and their duty to fix them. However, we would like to also see funding for local authorities to undertake this work, as budget cuts have made it more difficult for local authorities to meet their PSE duties.

27. We **support** measures to improve the availability of accessible information in a variety of formats. The availability of accurate information on station access is poor. Station operators are obliged to ensure that station access features listed in their DPPPs are accurate, as well as ensuring the accuracy of station access as listed in the RDG's Knowledgebase database. Despite this, there are disparities between the two, and information given by TOCs can be unreliable.
28. DfT should work with RDG to introduce maps showing station access, including full and partial step-free access and toilet availability, as TfL provides. Currently, this is available in partial and inconsistent form through individual TOCs' maps; and on a station-by-station basis on Stations Made Easy. It is therefore very time-consuming and difficult for a disabled people wanting a more systematic map of the network, for example to see at a glance which seaside stations along the Essex Coast are accessible when planning a day out.
29. We **propose** that transport operators and DfT improve the inclusion of disabled people in planning and decision making, including setting up pan-impairment advisory boards for testing ideas and design proposals - 'nothing about us without us'. These should be accountable – at a minimum, DPTAC should publish its minutes, and should consider, as London Travelwatch and Transport Focus do, holding meetings open to the public.

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Campaign for Better Transport's vision is a country where communities have affordable transport that improves quality of life and protects the environment. Achieving our vision requires substantial changes to UK transport policy which we aim to achieve by providing well-researched, practical solutions that gain support from both decision-makers and the public.

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