

Transport Committee

Oral evidence: [Accessible transport: legal obligations](#), HC 82

Wednesday 22 November 2023

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[Watch the meeting](#)

Members present: Iain Stewart (Chair); Jack Brereton; Sara Britcliffe; Karl McCartney; Grahame Morris; Gavin Newlands; Greg Smith; Mick Whitley.

Questions 1–111

Witnesses

I: Stephanie Tobyn, Director of Strategy, Office of Rail and Road; Jacqueline Starr, Chief Executive Officer, Rail Delivery Group; and Alison Smith, Accessibility and Inclusion Lead, Network Rail and Great British Railway Transition Team.

Written evidence from witnesses:

- [Rail Delivery Group](#)
- [Office of Rail and Road](#)

Examination of witnesses

Witnesses: Stephanie Tobyn, Jacqueline Starr and Alison Smith.

Q1 Chair: Welcome to today's session of the Transport Select Committee. Before I invite our witnesses to introduce themselves, I remind witnesses and colleagues that, as a formal proceeding of the House of Commons, certain rules apply about referring to specific court cases. I therefore ask you not to make reference to any live case that might be before the courts. That includes applications for judicial review. You can of course talk about the topics more generally, should you wish to, but please avoid referring to any live cases.

For the purposes of our records, could I ask each of our witnesses to introduce themselves and their organisation?

Jacqueline Starr: Good morning. My name is Jacqueline Starr. I am the chief executive of the Rail Delivery Group.

Stephanie Tobyn: Good morning, everyone. My name is Stephanie Tobyn. I am the director for strategy, policy and reform at ORR.

Alison Smith: Good morning. I am Alison Smith. I am the accessibility and inclusion lead at Network Rail. I extend that responsibility into GBRTT.

Q2 Chair: Thank you all, and welcome. Thank you for your time this morning. We have been doing quite a long-running inquiry into accessibility issues in transport. Later this morning we will be hearing from the aviation and road sectors, but for this first panel we want to concentrate on the rail sector.

During the course of our evidence, we have heard quite alarming stories about the difficulties that people with disabilities or other mobility needs have while using the rail network. It seems to be getting worse since the pandemic. Do you think that is a fair assessment of where we are? We will dig into some of the specific issues in a minute, but we are interested first of all in your overall impressions on the issue.

Jacqueline Starr: First, the Rail Delivery Group, RDG, has a role co-ordinating activity and delivery across the train operators. In particular, we have a key role to make sure that there is delivery against accessible travel plans, ATPs. I certainly recognise that there are some inconsistencies across the network. I would not support the statement that it is in absolute deterioration because there is evidence, particularly around the Passenger Assist app that we offer, that there has been increased satisfaction from customers. I acknowledge that there are still way too many cases and instances where disabled customers experience difficulties when they are travelling with us. We acknowledge that there are a number of failed assists as part of Passenger Assist.

We have measures in place to course-correct that, to include a working group that the Rail Delivery Group has instigated with the ORR and



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Network Rail to understand why these things are happening so that we can action-plan to prevent them.

Q3 Chair: I would like to pick up on that point in a minute. First, I will ask Stephanie and Alison for their initial comments.

Stephanie Tobyn: I have listened to all of the examples, as you obviously have as well, and they are certainly very alarming. They impact on the confidence of people to travel. They are very difficult to watch and understand what has actually gone wrong. On the whole, we carry out research on satisfaction of a wide variety of passengers. On that basis, we see that the majority of people have a positive experience. That only works when every step of the process goes to plan. Previously we have discussed ramps not being provided. I think what you are seeing is where one step does not happen and, effectively, then the whole system collapses for that passenger. It is very difficult, but I think that on the whole, for the wide variety of passengers, when it goes well, it goes extremely well.

Alison Smith: Building on what colleagues have said and from a Network Rail standpoint, we are responsible for and look after 20 of the largest stations in the country. We have a significant responsibility for supporting customers through those stations. Obviously, we look after the infrastructure across the country.

I would characterise it as a huge amount having been done. As colleagues have said, from the monitoring that we do and the insight we look at, in the vast majority of cases things go right. I absolutely acknowledge that there is a lot more to be done. We agree that some of the instances that we have similarly witnessed are unacceptable. There is more to be done.

Q4 Chair: A lot of the evidence we have had points to the fact that while an individual journey may go well, and that is possibly reflected in the figures you referred to, Jacqueline, on Passenger Assist, it is when there is a more complex journey, with a change of train, a change of operator or even a change to another mode of transport, that it all seems to fall down. Would you acknowledge that?

Jacqueline Starr: Absolutely. We recognise that, and it is one of the reasons for instigating the group I referred to. Whether it is the interventional systems or human intervention as part of that process, something is failing due to the complexity that a more complex journey introduces. That is what we want to get to the bottom of to really understand what the trouble and pain points are so that we can course-correct that.

Q5 Chair: Would the other witnesses concur?

Stephanie Tobyn: We think about it very much as an interlinking process. For one step of the process to fail—for example, for one member of staff not to adhere to the processes that are required—then it will all



fail, yes. The more touch points you have in a journey, the higher the risk that something could go wrong.

Q6 **Chair:** Alison?

Alison Smith: We think of it as a chain of care. We are one part of that chain. It is important that we are very focused on our own performance, which of course we are, but that we collaborate extensively with colleagues in train companies and the RDG to make sure that handover protocols are as strong as we can possibly make them.

Q7 **Chair:** Would you also accept that a number of people with disabilities are put off travelling altogether because of their fear that something will go wrong, and the anxiety that that induces? Whatever your satisfaction figures capture, there will be another cohort of people who, for whatever reason, have decided, "This is too much of a problem for me. I can't face it." Do you accept that?

Jacqueline Starr: I accept that. I recognise that. At RDG, we have instigated a programme called travelling in your shoes, which is where I, the executive team and our senior leadership group go out with disabled customers to truly understand their experiences. It is one thing to read it in black and white and analyse data, but it is another thing to experience it yourself. That is why we have instigated that, and it has confirmed to us the challenges that people experience on a day-to-day basis and why there is such reticence and lack of confidence in travelling with us. Of course, we do not want people to experience that. We want people to feel that they can use the railway, regardless of disability, as a preferred mode of travel.

Stephanie Tobyn: If I could briefly put this into the context of the work that we do in assessing passenger satisfaction, where we had a big sample—with over 8,000 passengers responding, which is significant—there is only a small number of people we can look at, which is exactly your point. We do not know the people who are not travelling. We can only look at the very small proportion who are. It is a valid point to raise.

Alison Smith: It is an entirely valid point. In recognition of that, we run a mystery shopping programme across our managed stations. One of the things we test as part of that is confidence levels before taking a journey, based on everything that is provided in terms of information, and then once the journey has been taken.

Interestingly, there is a perception issue. We have seen some of those confidence stats improve once people were able to experience a journey. We very actively try to listen to and understand people who are not using the railway, and why and what the barriers are, as well as the reasons why people use the service and what contributes most to lack of confidence.

Q8 **Chair:** Thank you. This is the last question from me at the moment before I turn to colleagues. Is there an exemplar operator in this country,



or even overseas, that we can learn from who has either got it right or is close to getting it right?

Jacqueline Starr: I don't think there is a clear yes to that because there are still failings across the network. There are good and bad examples across all operators. Some operators perform assistance exceptionally well but, conversely, those operators also have some failings. I do not think there is a yes to that. Across the globe I acknowledge, in preparation for this actually, that we have identified there is more opportunity for us to liaise better with colleagues from other transport sectors and across Europe and more broadly, not just from rail but perhaps air and other sources.

Q9 **Chair:** Stephanie and Alison, is there anyone you would hold up as a good example?

Stephanie Tobyn: I agree that it is very difficult to highlight one particular operator or one area. They are all very different and there is often not a single cause of failure. I am reluctant to name anyone.

Alison Smith: We have looked closer to home, where there are some really good examples of best practice, and learned, where we can, how we can deploy those a bit more comprehensively. We are always very conscious, when we are looking at international examples or even some of the examples closer to home, of the context in which some of those operations are potentially performing slightly better. There are some important factors. Some things that work very well internationally may work less well in the UK because of some of the wider context. It is always worth looking at benchmarking, but we have to be mindful of context.

Chair: Karl has a quick supplementary.

Q10 **Karl McCartney:** It is on the question you have just asked, Chair. If the three of you watched the previous witness sessions for this inquiry, you will be aware that a legal professor gave us some examples. You have been quite generic in what you have just answered. Are there any specific companies or countries where regulation has been, or is about to be, put in place which you think the UK could take lessons from? I will ask the question again on behalf of the Chair because I don't think you gave good enough answers.

Jacqueline Starr: As I sit here now, no, I can't offer anything specific.

Q11 **Karl McCartney:** I understand that you said you have done some research and you realise there is more to do, but what I am saying is that we already have that answer and we are looking to you to give us some information that helps us recommend to the Government what they should do. Alison or Stephanie, you might have something to add to that.

I am going to help you. We were told about Canada and Norway. Are there any other examples, or do you think they are two good countries that we should look at? You are the people who are working in this



sphere, so we are looking to you to give us some information that is helpful to us. I just don't think you have been as helpful as you could have been.

Stephanie Tobyn: I certainly have not looked at legislation in other areas. I am obviously very familiar with the UK. I listened to that session. I could understand what they were recommending, but I certainly have not assessed it.

Alison Smith: When we have done international comparisons, we have tended to look more at facility and service provision and less at regulation or legislation contributions. I heard the session and I acknowledge that Canada and Norway were mentioned. Canada operates in a very different type of operation, so I think that context point is very useful.

Jacqueline Starr: Perhaps this is still too generic, but we work with a number of independent parties. We work very closely with the Institute of Customer Service, who hold us to account in terms of the level of service that we provide generally and for disabled customers. We also use independents. Very recently, one was working with us in GBRTT to develop the national rail accessibility strategy. That doesn't enable us to reference specific countries or examples, but we use them to bring a global perspective to some of the consultation process, so there is that feed.

Q12 **Gavin Newlands:** In terms of booked assistance, I understand it is difficult to mention specific operators, but if you look at the latest report compiled by the ORR, apparently it makes better reading than previously, but it is still lacking, it is fair to say. For instance, I will name ScotRail, which is the third best in providing all booked assistance types, but it still only performs at 84%, so for 16% of the time it does not, and that is for the third best operator. The worst is at 76%. I won't name them.

Clearly, the delivery still needs to improve significantly. We have heard from Transport for All, who are critical of the ORR on their enforcement. You say that your enforcement approach is to take early and informal regulatory action to try to stave off more formal action. Given the criticism that has been levelled at the ORR, how effective do you think that has been?

Stephanie Tobyn: There are two things to mention to put that into context. We have two routes of enforcement. One is through health and safety legislation, where we have inspectors on the network. We may touch on that when we come to ramps. The other is economic enforcement under our licences that we grant operators and Network Rail.

I think Transport for All were referring to the more economic side. What perhaps they do not see, and most people do not see, is the amount of work that goes on behind the scenes, and the number of things that we change when we intervene and change behaviour. We do not necessarily shout about it. Some of your previous witnesses are very well aware of



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that because they raise issues with us and see us taking action and changing things.

Enforcement is certainly there as a tool, but we have to balance it proportionately with our priority and what is going to deliver the best outcome. What are we doing in terms of funding for taxpayers? Is a move to formal enforcement really going to deliver the best outcome? A lot is done, and I can certainly come back to the Committee if it is helpful to explain various examples of that, but what you see above the surface is purely the enforcement action.

Q13 Gavin Newlands: Do you think that a set of more formal actions with the ORR would improve things more quickly?

Stephanie Tobyn: We do it in two ways. We take proactive action, where we decide on subjects that need deep dives. At the moment we are looking at the transfer of information between operators, what we call the handling protocol. We are looking at lift reliability and information for passengers. We are looking at how easy it is for passengers to complain if they have a disability. We are taking deep-dive approaches, as well as reactive approaches, which is where some of your previous witnesses come in. Things like social media are very helpful because particular instances are brought to our attention, which we can then follow up. That can lead to enforcement action, and indeed has led to action on ramps, for example, in relation to ScotRail.

Q14 Gavin Newlands: You say you do not shout about the informal work that you do. Should you be shouting about it so that all of us are more informed?

Stephanie Tobyn: The short answer to that is yes. I say that simply because I am going to a meeting later today to talk about some of the work that we do that we do not promote, and perhaps we should do more widely. We can also use it as a potential communication tool to the operators, when we have intervened where they have similar issues.

There is one last thing, on your picking out the worst performers. We are auditing the five lowest performing operators in our survey results to see why they are lower than some of the higher performing ones.

Q15 Gavin Newlands: For the record, can you tell us how many improvement notices you have issued relating to accessibility?

Stephanie Tobyn: We have actually only issued one improvement notice, and that was in relation to ramp provision. It was when the operator was using trains on which they should have been able to provide a ramp. This was a health and safety improvement notice. There was a bike storage area in the way instead. We engaged with them extensively and asked them to resolve that. You would assume that they would have operated quite quickly to fix it, but unfortunately it went on for such a period, and we had such disagreement, that the only way to change their



behaviour was to issue an improvement notice. I accept that it is a last resort.

- Q16 Gavin Newlands:** Given that the regulations themselves are disparate and there are obviously different regulations for light rail, heavy rail and so on, would it be easier for ORR to enforce regulations if there was one simple set of regulations that were essentially the same across the board and clearer about the actions they advised you to take? For example, "You must take action."

Stephanie Tobyn: It is not whether it is clearer for us, because I think that we deal with the tools that we have quite well. Is it better for the industry to understand what they need to do, and if you consolidated things, for example, would that be simpler, and would it be more effective for people to understand their responsibilities? Now they have to look across multiple pieces of legislation. I look at it from that perspective. They may find it more helpful, but I think we respond with the tools that we have quite effectively.

- Q17 Gavin Newlands:** Jacqueline, my last question to Stephanie related to a point that RDG has made about the regulatory framework being complicated, to say the least. That is the nature of the UK's fragmented rail system. Operators obviously have different expectations. What is the RDG itself doing to try to rectify the situation? Have you had conversations with the ORR, Network Rail and indeed the DfT on all of this? Can you feed that back to us?

Jacqueline Starr: We work hard to try to navigate all of the regulation and legislation that is there. I definitely support Stephanie's last point about consolidation. From a train operator perspective, that would be exceptionally helpful. We have shared that view and had those conversations.

There is a need for a tighter action plan to address that, if we believe that it is the right thing to do, noting some of the complexities of changing regulation and removing elements of it to compound that. To have a single reference point for train operators and then to be held to account by the regulator for those in a timely fashion would be extremely helpful. I believe it would also give us some pace around some of the changes that we see.

As an industry, when we have serious incidents across the network, we are very collaborative. We all engage immediately on those. What we perhaps do not see is the remedial action that needs to take place as a follow-on, so I think that would be extremely helpful.

- Q18 Gavin Newlands:** Alison, what conversations have Network Rail or indeed the GBR transition team been having with regard to any potential consolidation of regulations? Would you welcome that?

Alison Smith: Simplification in any context is helpful. The rail industry certainly has opportunities to do things more simply. The plan for rail and



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the reform agenda set out a very clear call to action in that regard. As I say, we welcome all opportunity to simplify things and to bring consistency.

The work that the ORR did and consulted extensively on, as far as the ATP guidance is concerned—the accessible travel policy guidance—applies consistently as a floor, if you like. At Network Rail we have a single national accessible travel policy that applies to all of our managed stations. We get the opportunity every year to reflect on our performance in relation to that and offer up improvements. We talk very regularly to the ORR about what we are doing. We see that as an absolute floor and not a ceiling.

The other areas we look after most are in our capacity as infrastructure provider. We have the code of practice that is part of the Railways Act. The DfT is consulting on that just now, so we will take the opportunity to offer some suggestions as part of that consultation on how to simplify the code. We are committed to the idea, and it is important to retain that as part of primary legislation under the Equality Act. How do we simplify it for our colleagues? Notwithstanding the complexity of the regulation, we have internal mechanisms to simplify that for our colleagues.

Q19 Gavin Newlands: We have reached consensus on simplification of regulations, but beyond simplification what would be the one thing that each of you would change about the regulations we currently have? I will start with Alison.

Alison Smith: What would be the one thing? Again, we have done a lot of work to make sure that we translated some of the complexity that sits at the regulation level for our colleagues into much clearer and more straightforward guidance. Some things that sit in the legislation refer to the code of practice. Because they are part of legislation, they can be difficult to change, and can take time to change. One thing we would probably look for is the ability to slightly streamline what is in the code, so that it can be flexed to accommodate changing standards around building regulation, for example. That is probably the one thing that would make our life slightly more simple.

Q20 Gavin Newlands: I think you have made it more difficult for the other panellists to answer.

Stephanie Tobyn: I do not know if I would point to one particular thing, but if there was an exercise to bring things together, potentially to simplify or consolidate, it certainly would provide the opportunity to consider whether there are any overlaps or gaps. Some of the regulation dates back to the late 1990s.

Q21 Gavin Newlands: Like the rolling stock.

Stephanie Tobyn: Yes. It is an area that moves particularly quickly, and operators have to adapt. Where there is no guidance on that, it is now evolving. I am thinking of things, for example, like mobility scooters,



where we may consider doing more in the future. I feel there is an opportunity to consolidate and move forward.

Jacqueline Starr: To build on that, the Rail Delivery Group and GBRTT are working collaboratively on a national rail accessibility strategy. That is the here-and-now strategy to deliver ultimately against disabled customers' needs. It should be real time and reflect needs on an ongoing basis. Regulation needs to cope with that, as opposed to looking at what might have been relevant yesterday or years ago. For me, one of the key changes would be for regulation to be able to cope with real-time changes in a strategy wholly based on the needs of disabled customers. Ultimately, it is them we will consult, and deliver against their requirements within that.

Gavin Newlands: Thank you.

Q22 **Sara Britcliffe:** Stephanie, you have touched on this already, but what is the ORR doing to monitor and then enforce against the use of non-compliant equipment across the network—for example, wheelchair ramps?

Stephanie Tobyn: The example I was thinking of on ramps was fairly recent. It was brought to our attention that one operator was not storing or maintaining ramps appropriately. We engaged with that operator to understand whether they had a maintenance schedule, how they were storing the ramps and what their plans were to improve things. As a result, they actually withdrew a lot of the ramps from their stations and decided to use ramps on the train instead. That has now evolved into deciding that the train ramps were not the best option, and they are moving back to replacing ramps on the platform.

That was done without an improvement notice. It was done through looking at different stations, looking at maintenance schedules and working patterns, and trying to understand what the staff were doing on the ground. It was then looking across the wider network for that particular operator. I still think there is more to do, but that was with our health and safety inspectors, who are actually on the network and can visibly observe what is going on.

Q23 **Sara Britcliffe:** How often do the health and safety inspectors go out on to the network to check?

Stephanie Tobyn: We have over 100 inspectors now. They are on the network every single day. Obviously, there are 2,500 stations so they have to prioritise their work appropriately. It is a matter of when an issue is brought to our attention, even if it is reactive. Obviously, we have a proactive programme of work. It might be, for example, looking at level crossings. If an issue is brought to our attention, and we recognise that it is not an isolated incident and it was not a single person who perhaps did not adhere to a process, but is more a maintenance issue or a hazard for passengers and staff, they start to look at that more widely and sample stations. It is an important message for us that we can choose



proactively what to look at, but the information we receive from passengers or from stakeholders then directs us to look at things more reactively as well.

Q24 Sara Britcliffe: Are you able to confirm that all wheelchair ramps across the network currently in use are compliant with the regulations?

Stephanie Tobyn: I would not be able to give a cast-iron guarantee on that. It would be a question of whether we were going to carry out that work with every single operator now. When you are looking at one operator who has had a problem, you then question whether it is a wider problem. That is still an option for us. We are certainly discussing in the coming weeks what more we need to do. The issue of ramps does seem to be becoming more high profile. There seem to be more things coming into the media where we have concerns. It is just whether we now need to take it more widely. You would hope that the profile of what we have done would act as a deterrent for other operators, but I cannot give a black or white answer to your question.

Q25 Sara Britcliffe: Alison, why is Network Rail still building new inaccessible infrastructures—for example, footbridges?

Alison Smith: I will offer you some context both from the station and off station; for example, we might be looking to close level crossings. In the station, beyond our general obligations to ensure that we have paid due regard to all protected characteristics at the point when we change anything about our infrastructure, we have the code of practice. It would be in very rare situations, as we took the opportunity to put in new infrastructure, that we would ever install inaccessible infrastructure in our station environment. We have formal dispensation routes that we would have to pursue if we had to do that. A lot of scrutiny is placed on that to make sure that it is an entirely appropriate decision. In a station context, it would be absolutely by exception. We would only do that with scrutiny from DfT colleagues and the ORR.

Outside the station environment, which is probably where the vast majority of our potential need for footbridges exists because we have thousands of crossing points on the railway, under our obligations under the Equality Act we have to think very carefully and balance what can quite often be a set of competing needs. We look at health and safety. Many crossings are being closed because they carry such a high risk of death. At that point we go in and explore every possible option for putting in an accessible footbridge, but we have to balance that with some of the wider considerations, such as lineside neighbours. Very often, these are in locations that we cannot power with a lift, so we are talking about ramps. Ramps can be very substantial bits of infrastructure and they are not always supported by the community.

Again, we have to balance what can, at times, be competing needs and make sure that we make a decision that is in the best interests of the taxpayer. It is never our intention to go in with any preconceived idea



that the footbridge would be steps. That would be a decision we have to make in the round.

Q26 Sara Britcliffe: Could you provide us with an update on when the results of the network-wide accessibility audit for stations will be published?

Alison Smith: DfT concluded those audits in April. They did some final work on the dataset in about May. We took possession of the data from a Network Rail standpoint just at the end of October. We are now working towards fully integrating that into our asset management systems. We are working collaboratively with colleagues in RDG to establish the integration timeline for that dataset into some of their systems, which are passenger-facing systems. We are working to provide that dataset to train companies and the teams in Network Rail, to use it to help inform investment priorities.

It is a complex and very large dataset. In its current state it is not possible to provide it directly to customers. It needs quite a lot of transformation to ensure that it is valuable to customers, which it will be. It is a game-changing dataset. We work directly with disabled people to form the basis of their requirements, and work that back into the datasets. We are very clear what we need to do, and we are now in the process of delivering on that.

Q27 Sara Britcliffe: Do you have a timescale on it?

Alison Smith: We are still finalising some of the details, but we are going to be in a position to release that data in stages. We are already able to provide the data to train companies. We are giving them access, now that we have transitioned it to Network Rail.

The first thing we will do is build what we call an ATI, which will give that data. That will go into Rail Data Marketplace, which makes it available for developers. Then we will have that integrated into RDG's station information pages. All of that will take place over the next six to nine months. Slightly longer term, we are looking at something called an accessible journey planner. That does not just rely on the station data; it needs to integrate with train data and staffing data and is a slightly longer-term commitment.

Q28 Sara Britcliffe: This is a question for all the panel. What are the biggest barriers to accessibility? Where do they lie? Is it infrastructure, funding or culture?

Jacqueline Starr: Disabled customers would respond to that by saying that the reason they are always given is funding. In part that is true, but I don't think it is the whole reason. There is a question of prioritisation, and that should be assessed. We welcome the ORR's role in making sure that we get that right as an industry. Funding is definitely part of it.

There are some challenges in terms of human intervention. We need to make sure that we have the proper skillset. We are doing quite a lot of



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things across the industry to make sure that people are sufficiently trained to deal with disabled customers in a way that is expected. Those are probably the two key ones that I would offer.

Stephanie Tobyn: For me, it is very similar. It is a combination of the people, the skillset, the knowledge and adherence to the actual processes. There are processes for the majority of instances where assistance is required. The important one that is going to make it all pull together will be technology, which requires investment. We see it as a combination of factors and not just one simple thing, unfortunately.

Alison Smith: I have the same answer as Steph. We have done a lot of work on this as part of our thinking on the national rail accessibility strategy. There is a range of factors which, in combination, contribute. There are some aspects that are very directly related to the provision of the service for customers. There are also barriers which make it more difficult for our staff, so we are focused on better data, better tools, better equipment, but there is no one single silver bullet.

Q29 **Jack Brereton:** The main thing I want to ask about is lifts, but I want to ask Alison a bit more about the ramp issue. As you rightly say, ramps take up a lot of space and can often be difficult to install. The gradient of ramps is extremely shallow at the moment in your guidelines. Do you think that is too restrictive, and should it be looked at further?

Alison Smith: They are not our guidelines; they are wider guidelines. That is a standard. It is not a railway-specific standard. We would therefore be guided by the body that looks after determining that. Certainly, it is not just about the steepness for wheelchairs. There is also a stamina issue to be factored into that, but it is not a railway standard.

Q30 **Jack Brereton:** It is a wider standard.

Alison Smith: Yes, a wider standard.

Q31 **Jack Brereton:** The main thing I want to ask about is lifts. We have had lots of issues with lifts not working throughout the network. That was raised by a number of our witnesses previously. A lot of the lift infrastructure on the network is ageing. A lot of it is not the same; we have different types of lifts throughout the network. Do you think there should be more of a rolling programme of lift replacement through Network Rail to standardise the lift infrastructure better and ensure that we can have more effective and more reliable lifts throughout our stations?

Alison Smith: We have identified lifts as our priority in our CP7 plan. There is money in CP7 to address that exact issue.

Q32 **Jack Brereton:** Is there anything that ORR wants to add on that?

Stephanie Tobyn: No. I am not an expert on it, but I know there is money available. Network Rail put forward plans on it and I think it is a very high agenda item.



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- Q33 **Grahame Morris:** Stephanie, earlier you mentioned the pre-booked Passenger Assist arrangements. What is your assessment as to how that is working? Would a passenger need to book that 24 hours in advance, or an hour in advance, in order to get assistance with ramps and someone to assist on and off the train and so on, or is it variable according to the operator? Is it fair to ask you that?

Stephanie Tobyn: You can ask me. It is certainly not variable; 24 hours was applicable up until 2019.

- Q34 **Grahame Morris:** I am sure that we heard a figure of two hours.

Stephanie Tobyn: Yes, now it is two hours. We instigated policy that reduced it from 24 hours to 10 pm the night before, to six hours, to two hours. We did that over a three-year period because we felt we needed to give the industry time to adapt. The period now is up to two hours before travel that you should be able to pre-book assistance, although I am aware that one operator just allows people to turn up and go without any pre-booking at all. Every operator can offer turn up and go, but obviously for the industry—Alison and Jacqueline are better to talk about this—it is easier to resource and plan if people give advance notice of assistance. At the same time, you can turn up at any station and watch people turn up and go every single day.

- Q35 **Grahame Morris:** Alison, perhaps you could amplify that in relation to other operators and the aspiration of getting turn up and go for disabled people wishing to travel by rail.

Alison Smith: In a Network Rail context, we deliver about 40% of the assistance that is delivered across the network. That is just through 11 stations. About 60% is booked and about 40% is unbooked, turn up and go. We recognise that that is a really important part of the proposition and we are well equipped to deliver it. We do not see any particular variations between our performance. I do not have a definite perspective from Network Rail, but it would not be very variable.

Jacqueline Starr: We recognise that a large number of disabled customers are calling for a turn-up-and-go railway, and we should not be immune to that.

- Q36 **Grahame Morris:** They were quite specific, weren't they?

Jacqueline Starr: Yes. From a moral perspective, of course, why wouldn't disabled customers want the same service that we all enjoy as able-bodied customers? I would be nervous about our ability to deploy that, given some of the challenges that we have currently with scheduled assistance. The working group that we have set up to get to the pain points and the process fractures that Stephanie referred to is critical to demonstrating our ability to deliver against that.

- Q37 **Grahame Morris:** On the ORR Twitter feed, or whatever it is called now, I noticed publicising of the new railway station at Gatwick. It cost £250



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million. I assume that it will be completely compliant, with lifts and ramps to ensure that disabled people have access to the airport and on and off the trains. Is that correct?

Stephanie Tobyn: One of our roles, as you point to, is the authorisation of new stations. I am certainly familiar with that one. There have been some issues around it. We have intervened to look at the project and look at the work to ensure that things are compliant with the regulations. Yes, we are quite close to that one.

Q38 Grahame Morris: I hope the new stations at Hartlepool and Sunderland are reconstructed stations and are going to have disabled access, not least for me.

You mentioned the aspiration of operators to move to turn up and go. I want to ask you about some evidence we heard from the first panel. Their view was that one of the reasons why that is not happening is that disabled access is seen as a kind of customer service issue rather than a fundamental issue of human rights. Is that a reasonable contention? Is that how the operators look at it?

Jacqueline Starr: I don't think it is a unanimous yes to that. There is a huge appetite across operators to deliver against the needs of disabled customers. They hear loud and clear what they are calling for in relation to turn up and go. Are there some challenges with people really recognising that and showing appropriate empathy? Yes. Are we doing something about it? Yes. We are undergoing significant training to help people understand better. It is not a unanimous yes to that, but we recognise that there are challenges to overcome in that space.

Q39 Grahame Morris: In terms of carrots and sticks, who imposes the fines on operators for non-compliance? Is it Network Rail or ORR?

Jacqueline Starr: If it is non-compliance with the accessible travel policy, ultimately that would be the ORR.

Q40 Grahame Morris: Are the fines effective, or do operators just think, "Well, it's an inconvenience, and rather than go to the expense and trouble of reorganising timetables and staff rosters we'll just bear the fine"?

Stephanie Tobyn: There isn't a failure fine arrangement. There isn't a standard like, for example, Delay Repay to claim compensation. Some people might find that sort of target or fining approach appropriate in other industries. Certainly, it is not something that we have imposed. It is more about identifying the wider and broader issues that cause failures across the network and trying to intervene to stop them at the fundamental level. We are not imposing fines at that level.

Q41 Grahame Morris: Did you earlier tell my colleague that there was only one improvement notice?



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Stephanie Toby: That was a health and safety improvement notice. To give you an example, we imposed one fine of £5 million on one operator several years ago. That was not for accessibility, but that is a very difficult position to reach. The issue affected hundreds of thousands of passengers over a period of almost two months. It is not something we would go into lightly. Certainly, in the environment that rail is in now, you have to look at the trade-offs of what impact that would have on the funds of the Secretary of State.

Q42 **Grahame Morris:** What would be the scale of fines on operators? You mentioned that really punitive fine, but are fines applied to operators a frequent occurrence?

Stephanie Toby: No, it is not.

Q43 **Grahame Morris:** Could you give us a number?

Stephanie Toby: On the number of fines or the level of fines?

Q44 **Grahame Morris:** Both, actually.

Stephanie Toby: We could fine up to 10% of turnover. I do not have the number of fines. I could get that for you. I would say it is relatively low.

Jacqueline Starr: There are potentially more serious ramifications of failure to adhere to ATPs, in that it is a breach of the licence agreement. That, of course, would have more serious implications for a train operator.

Chair: Our final question for this panel is from Greg.

Q45 **Greg Smith:** Thank you, Chair. Stephanie, this is more for you. In answer to earlier questions, you spoke about proactivity in monitoring potential issues before they arise. We have heard evidence in previous sessions from users, customers and campaigners in this space that there is a perception that when the ORR becomes aware of an issue they are very good at taking it on and putting compliance action in place, but people do not really believe there is anything actually out there trying to pick up issues before customers come face to face with them. Is that a fair complaint? What would you say about the gap between what you said earlier about your proactivity and the actual experience on the ground of real people who come across issues every day?

Stephanie Toby: Our understanding and experience of real-life issues comes from a variety of sources. One is my own team and ORR colleagues being on the network. That includes our health and safety colleagues. Another source is the large proportion of data that we collect—I said that we had surveyed 8,000 passengers just on accessibility—and another is on the interrogation of that data. Then, there is regular engagement with all of the operators, with Network Rail and with our accessible travel advisory panel. Effectively, it is a combination of factors.



Yes, I understand that people raise issues with us. Often, they are very perceptive and very knowledgeable people who understand the issues. Most often, we follow those up. Quite often, they are not aware, as you have just said, of what is going on behind the scenes, what we are doing with deep dives and audits, engagement with individual operators where their performance is not as high as others, trying to understand why that is and then trying to drive improvement. Everything is about trying to raise the overall standard of improvement. We always balance our resources on proactive work and reactive response work.

Q46 Greg Smith: If the perception is bad, the customer experience will be bad. If all of that proactivity is in place, and I take your word for it, unless you fix the perception gap in that, there is still going to be a bad customer experience at best and total distrust at worst from people with disabilities or other needs looking at the railways.

Stephanie Tobyn: There is a difference in the perception of what ORR is doing. I would not say that we have a huge public profile. In fact, I do not think we look for that with passengers. For passengers, that would be for Transport Focus. The perception of passengers is affected by so many other factors that may give them a lack of confidence and willingness to travel. You have to look at it as a doubled-edged sword. It is helpful for people to raise particular issues when they come across failures. Equally, if those issues then impact other passengers, they do not want to travel.

There is a need for confidence building. I do not think it sits with ORR to do that, and I do not think we create lack of confidence in passengers taking decisions because we simply do not have that profile. I think there is something about the industry giving confidence to passengers, pointing out all the good work that goes on and explaining how people can request assistance, and explaining what they can do if things go wrong; invariably, we need to balance it. I would not say the perception all sits with ORR.

Greg Smith: Fair enough; thank you.

Chair: I am afraid the clock is against us. We have two further panels to hear from this morning, but for now I thank all three of you very much indeed for your time and evidence this morning.