Written evidence submitted by Mr Doug Paulley (RTC0081)

Abstract

1. Disabled people experienced substantially greater disadvantage than other customers during the timetable disruption.
2. Train operating companies’ (TOCs’) assistance booking services were poorly informed and ill-equipped to implement arrangements for disabled people’s travel, making the booking process tortuous and unreliable.
3. Outsourcing of assistance booking and replacement transport results in inconsistent and unreliable service to disabled passengers during disruption.
4. TOCs fail to ensure on-train staff are aware of disabled people’s presence, and do not comply with the obligation to contact passengers to re-plan assistance when disruption occurs.
5. Rail journeys disrupted en-route are therefore disproportionately problematic and stressful for disabled people.
6. Most rail replacement bus services are legally obliged to be operated using accessible vehicles but are not. There are insufficient accessible vehicles.
7. The rail industry does not publish information about the accessibility of rail replacement services. This causes substantial disadvantage to disabled passengers.
8. Accessible taxi provision is not an acceptable alternative to accessible rail replacement buses, due to the lack of spontaneity, availability, reliability, safety and comfort.

Recommendations

9. Train operating companies (TOCs) should ensure their assistance booking departments are informed and prepared with appropriate arrangements to plan journeys with disabled people during disruption. This service should be checked and enforced by the regulator.
10. TOCs should be forced to hire accessible vehicles for rail replacement bus (RRB) services, especially during planned or long-term disruption.
11. The Department for Transport (DFT) and Transport Scotland should shape the bus and coach market to provide sufficient accessible vehicles to meet RRB demand. They should introducing legislation obliging coach excursion and tour operators to use accessible vehicles.
12. TOCs should publish accurate accessibility details for rail replacement services in all relevant literature and websites. Assistance staff should have ready access to this information.
13. TOCs must employ mechanisms to ensure rail replacement taxis are procured locally, reliable and transport disabled people in comfort and safety, and should develop more effective mechanisms to contact taxi drivers when problems arise.
14. Government and local authorities should legislate to increase availability of accessible taxis.
15. Transport Focus should explicitly consider disabled people’s experiences when assessing provision during disruption.
**Introduction**

16. I am a wheelchair user in Yorkshire. I use trains regularly for both practicality and enjoyment. I intend to illustrate some deleterious effects of rail timetable disruption on wheelchair users.

17. The DFT stated\(^1\):

> Disruption to facilities and services can have a significant impact on both the accessibility of rail services to disabled people and the confidence of disabled people in travelling on the railway.

18. This is undeniable. Disabled people’s access needs are often treated within the rail industry as an optional “nice to do”\(^2\) rather than an essential and systematic requirement. During disruption, provision for access needs often goes out the window.

19. Disabled people experience all the disadvantages non-disabled passengers experience during disruption, and an extra severe layer on top.

20. My submission concentrates on wheelchair users. I unhelpfully conflates wheelchair accessibility with accessibility in general. People with other impairments experienced other severe impacts, but I do not have the lived experience to comment on such.

**Booking assistance**

21. Disabled people requiring assistance to use trains are advised to book assistance 3-24+ hours before travelling. I book wheelchair spaces on trains and ramp provision at stations.

22. The reservation process is difficult. It is even worse during disruption.

23. TOCs contract third party call centres to handle bookings. The separation between a TOC’s core services and its assistance booking function results in problematic information dissemination during disruption, with consequent problems booking and carrying out assistance.

24. I consistently experience the following:
   a. Assisted travel helpline staff members repeatedly hang up my call rather than deal with an “awkward” booking.
   b. Staff fail to notice that the service they are booking me onto is a rail replacement bus. They booked “train staff” and “train ramps” on a bus. *(The “Passenger Assist” IT interface does not feature data validation to prevent nonsensical bookings, e.g. wheelchair assistance at an inaccessible station, or guard and train ramp assistance on an RRB.)*
   c. Staff are unaware of planned RRB services *(due to delays in such appearing in industry databases)* and thus refuse to book assistance or alternative provision.
   d. Northern’s assistance staff did not know that West Coast Railways were running a train between Oxenholme and Windermere. They refused to ascertain its times and wheelchair accessibility.
   e. Staff book “luggage assistance” even when disruption results in the need to transfer between RRB and train at unstaffed stations – i.e. where there is nobody to assist with luggage.

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\(^2\) Northern regional manager: email to me dated 8\(^{th}\) November 2017:

*Encouragingly the person I spoke to this morning talked about the staff “needing to learn that passenger assistance is not just a nice thing to do” - a step in the right direction at least.*
Staff have incorrectly claimed that I stated I can access inaccessible rail replacement buses.

**Disruption En-route**

25. Disabled people experience severe problems when disruption affects journeys they have already commenced. Often disabled people’s needs are not considered, relevant staff are not informed of disabled people’s presence and chaos ensues.

26. On-board staff are crucial to disabled people during disruption. Some TOCs (including Northern and Transpennine Express) do not inform onboard staff of passengers with pre-booked assistance. On-board staff are not prompted to check our wellbeing. Disabled people often can’t walk down the train to summon assistance.

27. The prospect of disruption during Driver Controlled Operation concerns me.

**Example: Trip to Salford**

28. I arranged to visit a friend by train on 22nd May. The journey involved a train from Leeds to Manchester Victoria, then changing for a train to Salford Central. I booked assistance several days in advance.

29. The wheelchair space on the first train had no reservation indicated. I had to ask people to vacate luggage from it.

30. Halfway to Manchester, an announcement over the PA (half heard due to my hearing loss) stated that due to disruption the train would no longer call at Manchester Victoria. My booked assistance was instantly invalid. I did not know whether the ramps would turn up at Manchester Piccadilly nor how I could get to Salford.

31. Station staff had not told the guard I was on the train, and the guard did not check the wheelchair space, so I was unable to ask their help.

32. The Office of Rail and Road requires:

   *Where passengers have booked assistance in advance through APRS that, because of service disruption, is no longer valid, operators must give a commitment to contacting the passengers to inform them and, if necessary, make alternative arrangements*

33. This never happens. I have travelled on scores of disrupted services, but neither I, nor any of my disabled friends, have ever been contacted.

34. At Manchester Piccadilly everybody got off, leaving me alone on the train. I eventually managed to summon the attention of a dispatcher, who called assistance staff several times before they arrived to assist me.

35. I caught a train to Victoria. This was further delayed. I was concerned I would again be unable to get off. I was eventually assisted by Rail Gourmet catering staff who put the ramp down.

36. The assistance staff didn’t turn up. A dispatcher grudgingly assisted me to the front of the station, leaving me to pay for my own replacement taxi to Salford.

37. I was late meeting my friend and anxious, affecting my enjoyment of the day and leaving me apprehensive of the return journey.

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4 See video https://www.youtube.com/watch?v=MlUkT5HzGE4
Rail Replacement Buses

Vehicles

38. A substantial proportion of rail replacement buses and coaches (RRBs) are inaccessible.
39. Northern told me in an email: ⁵

   Unless specifically notified by our replacement transport team all our assistance team members must assume that the replacement service provided is not accessible.

40. I studied the legislation, comprising the Public Service Vehicle Accessibility Regulations 2000 (PSVAR), the Public Passenger Vehicle Act 1981 and the Road Transport Act 1985. For my logic, see the article on my website ⁶.

41. My contention is that all buses and coaches with over 22 seats in use on Rail Replacement services must be wheelchair accessible except:

a. Rail replacement services which do not have a published schedule, and EITHER only transport between two stations OR have more than 15 miles between every stop on their route;

b. Vehicles that have been in use on a road for over 20 years and aren't used on local or scheduled services for more than 20 days per year;

c. Coaches first used before 1st January 2005 or constructed before 1st October 2004.

42. TOCs are ignorant of this obligation. They thus routinely commit offences under the Equality Act.

43. Rail personnel have warned that if I pursue this issue, RRB services will become non-viable and I will be responsible for their demise. TOCs are under a statutory obligation to provide RRBs during disruption, but there are insufficient accessible vehicles to cover them all.

44. TOCs draw on excursion and tour companies for RRB vehicles. Vehicles used for excursions etc. are exempt from PSVAR. Accessible vehicles are more expensive to purchase and maintain. Purchasers insist wheelchair lifts and restraints are removed from second hand vehicles sold by National Express. Excursion operators therefore have insufficient accessible vehicles to meet RRB demand.

45. It is generally agreed that accessibility of RRBs is desirable. Accessible RRBs are preferable over accessible taxis. Statutory guidance ⁷ states:

   Buses or other substitute transport should be accessible to disabled people. ... Where passenger train services are affected by engineering works at short notice, it is recommended that passenger train operators provide accessible buses, where reasonably practicable, at no extra charge. Where this cannot be achieved, operators should ensure that other alternative accessible transport is available to disabled passengers, such as accessible taxis

46. The DFT Bus and Taxi Accessibility Lead said ⁸:

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⁵ Email of 24th May from Northern Complaints Manager to me.
⁶ At https://www.kingqueen.org.uk/rrbaccessibility/
it seems reasonable that disabled passengers should expect to be able to use the same transport as other passengers, without the disruption and delay of waiting for alternatives

47. This desirable objective will remain impracticable unless action is taken to increase the availability of accessible vehicles.

Information About RRB Accessibility

48. There is no information published anywhere that details whether rail replacement services are accessible, and which services will be accessible if so.

49. None of Northern’s publications include this information. It is not published in their leaflets, website, timetables, social media accounts or anywhere else.

50. This forms a substantial barrier to disabled people wishing to travel on such services.

51. Northern state that staff should assume that all RRBs are inaccessible (see above). Despite this, staff are inconsistent in responding to queries on such. For example, this evening Northern’s assisted travel staff told me that the RRBs on a planned journey are accessible, despite direct contrary instruction.

52. My personal experience tells me that there are in fact a minority of accessible RRBs.

53. DFT PSVAR guidance states:

_Initially the Regulations apply only to new vehicles and therefore many services may continue to operate with vehicles that do not comply or with a mixture of vehicles. … Operators should note that during this transition period a mix of vehicles on the same route creates uncertainty for disabled people wishing to make use of accessible vehicles. It also reduces the commercial benefit to the operator of more accessible vehicles. This practice should therefore be avoided. Where it is unavoidable, the timetable should show as clearly as possible which services are accessible_

54. Industry systems prevent publications showing which RRBs are accessible. Northern stated:

_It is not possible for us to publish timetable information showing which rail replacement services are accessible using the current system. We are required to use a national system to ensure that all train operating companies have the same, up to date, information about travel across the network. Northern uploads information to the National Rail website which our systems then draw from. When uploading information to the National Rail website, there is currently only one option to denote rail replacement services which places a bus symbol on the website and it is not possible to identify whether the service is accessible._

Bus Replacement Taxis

An unacceptable “solution”

55. Inaccessibility of RRBs would not be an issue if accessible taxis provided in alternative were as effective as they may appear. They are not. The following is my personal experience but is echoed by disabled friends.

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10 Letter (2018) from Peter Williamson, Northern’s Travel Accessibility & Integration Manager, to me.
a. Taxis aren’t spontaneous. Non-disabled people can expect to travel on an RRB without booking in advance. Disabled people are unable to “turn up and go” due to the need to pre-book. Spontaneity is impossible when the nearest accessible taxi is 40 miles away.

b. TOCs, and particularly Northern, have an acknowledged long-standing problem with taxi procurement subcontractors (e.g. Cabfind.com) such that bookings routinely go wrong. One taxi booked for me turned up the wrong month: 8th December rather than 8th January.

c. The paucity of accessible taxis (especially taxis engaged by procurement subcontractors), results in taxis being called tens of miles out of their “home patch”. This often results in poor timekeeping, and unfamiliarity resulting in waiting at an incorrect location and/or not knowing the route.

d. Use of procurement subcontractors means that the traveller is not furnished with the taxi firm, taxi appearance / model or any contact details. At unstaffed stations, if the taxi doesn’t turn up the traveller is left vulnerable and helpless.

e. Chasing a taxi booking is convoluted and unproductive. I have to phone the assisted travel helpline (difficult due to my hearing loss). They phone Northern, who find the taxi booking and phone Cabsi, who phone the taxi firm, who phone the driver. Each stage takes time and risks failure or miscommunication.

f. Changing or cancelling assistance bookings is similarly difficult.

Example: Windermere day trip

56. I planned a day trip to Windermere on Friday, 8th June. Northern had suspended all trains between Oxenholme to Windermere. They had no information on accessibility of their RRBs. They therefore booked accessible taxis.

57. During booking I had reminded Northern that I am 6’7” and need a tall taxi. The taxi had a low roof. I had to travel hunched over with the back of my head, neck and shoulders pressed against the roof.

58. The driver expected me to board the taxi from the “wrong” side, without ramps or assistance. I remonstrated so he turned the taxi round. He loaded me sideways. He did not turn me round to face forward or backwards. He did not restrain my wheelchair nor offer a seatbelt. He put the ramps in loose with me and drove the 30-mile journey like that.

59. In so doing, he put me and others at substantial unnecessary risk of death or serious injury.

60. The taxi was licensed in Preston (50 miles away) due to the paucity of local accessible taxis contracted by Cabsi. I phoned Preston taxi licensing department to complain. They subsequently issued the driver 10 “points” for transporting me unsafely (20 “points” in 12 months triggers a licensing hearing).

61. This experience is commonplace. Every rail replacement taxi I have travelled in has failed to secure my wheelchair properly.

62. Section 248 of the Transport Act 2000\(^\text{11}\) states:

Substitute services to be suitable for disabled passengers.

(1) This section applies where—

(a) a person who provides services for the carriage of passengers by railway provides or secures the provision of substitute road services, or

(b) the provision of such services is secured by the Secretary of State, the Scottish Ministers or the National Assembly for Wales.

(2) In providing or securing the provision of the services, the person providing them, the Secretary of State, the Scottish Ministers or the National Assembly for Wales shall ensure, so far as is reasonably practicable, that the substitute road services allow disabled passengers to undertake their journeys safely and in reasonable comfort.

63. This law is unenforced. During every rail replacement, I am always forced to undertake taxi journeys unsafely and in considerable discomfort; yet despite complaining, no effective action is taken to ensure my next journey is better.

64. I was unable to enjoy my day out in Windermere as I was preoccupied with my stressful travel experience and apprehensive about similar on the return journey.

65. Northern had booked the return taxi from Windermere to Oxenholme for 16:05. Timing was important for connections at Oxenholme, Lancaster and Leeds. The taxi did not turn up by 16:10, so staff phoned to ascertain the taxi location. The taxi was 30 miles away. It would therefore be 40+ minutes late, so I would miss all my connections.

66. Thankfully by coincidence an accessible bus turned up, otherwise I would have been stuck.

**Transport Focus report**

67. It is regrettable that the otherwise excellent Transport Focus report into passenger experience of disruption on the Lakes Line failed to adequately address disabled passengers’ experiences.

*September 2018*

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