

## **Written Evidence Submitted by Fry Law in response to The Transport Committee's call for written evidence about the scale and impact of the May 2018 rail timetabling changes**

### **Executive Summary**

1. Train travel, even when functioning optimally, remains problematic for disabled users. Such a mass overhaul causing delays and cancellations has an increased impact on those users.
2. The lack of ability for certain train providers to reserve wheelchair accessible spaces and to be aware of the need for such spaces is increasingly problematic when services are cancelled or delayed and overcrowded.
3. Staff training is lacking meaning that staff are often unaware of measures that can be taken to assist disabled passengers to reach their destination safely.
4. The same overcrowding means that disabled users cannot speak to train conductors when they require assistance because the conductors cannot make their way through the train.
5. The overcrowding caused by delays and/or cancellations makes reaching accessible toileting facilities more difficult, if not impossible.
6. Passenger numbers when trains are delayed or cancelled are not monitored and travellers will often just fill any empty space in carriages including around disabled users – posing a danger should the same travellers lose balance on high speed sections or when making way for other passengers walking through carriages.

### **The Author**

7. This written evidence is submitted by Fry Law.
8. Fry Law is a firm of solicitors providing legal services. We provide advice and representation to disabled Claimants who wish to enforce their rights under the Equality Act 2010 (and the Human Rights Act 1998 where appropriate) in cases involving access to public services, such as housing, benefits and access to voting; private services such as pubs, restaurants and theatres; transport, including trains and buses. The firm and its lawyers have acted in a number of Court of Appeal authorities on disability law and we acted for the Claimant in the leading case of *Doug Paulley v Firstbus Group* relating to access to – and reasonable adjustments in relation to - transport. This was the first disability services case brought under the Equality Act to reach the Supreme Court. We are instructed in a number of cases related to public transport on behalf disabled people, particularly those who are wheelchair users.
9. Our work enables us to have a view as to the overall impact of the May 2018 timetabling changes specifically in relation to disabled persons.

### **Impact**

10. Undoubtedly the timetable changes of May 2018, that are the subject of this inquiry, have had a greater impact on disabled people during this period of upheaval.
11. Travel by train is already problematic for disabled passengers, a lack of organisation and accessibility on the part of the service provider means that disabled users cannot travel spontaneously or be assured that they will be permitted to travel on the train that they intend to, or even depart at their intended destination.
12. Timetable changes have increased this difficulty because delayed or cancelled services result in passengers from previous trains being moved to the next – since there are often only one or, at most, two wheelchair accessible spaces on these trains this can mean that delays are exacerbated for those disabled passengers if those spaces are already taken.
13. Further, it is our understanding that certain service providers have no means of reserving those spaces and, as such, have no way of knowing if those spaces are in use. This is because assistance provided to those passengers, such as ramps being used at stations, is booked separately to the booking of tickets, via the Passenger Assist scheme. Passenger Assist “is a free service offered by rail companies which provides passengers with disabilities, or anyone else who may require help, with assistance to enable them to make their journey. Rail companies’ participation in Passenger Assist is mandated through their regulatory requirement to have a Disabled People’s Protection Policy approved by the Office of Rail and Road. The intent of Passenger Assist is to make rail travel accessible to everyone.<sup>1</sup>”
14. The same is true of passengers who require other assistance via the Passenger Assist scheme but cannot reach their booked seat either because of overcrowding or because the delays have resulted in reservations being cancelled. This can mean on arrival at the station that staff booked to provide assistance don’t know where to meet the passenger.
15. Staff training in the event of such large-scale delays and cancellations is also problematic. We are aware of auxiliary aids that are offered for disabled train users by a number of service providers (for example, free accessible taxis) however, even on occasions where there is not the pressure or chaos that the change to the timetables has brought of additional passengers for fewer services, we are often contacted by clients who have been advised that such assistance is not available or provided by the company. This can be enormously distressing to disabled passengers, particularly in instances where they are passed between various staff who do not know what the protocol is. This situation is made worse when staff are primarily concerned with getting people on to rail replacement services which, more often than not, are inaccessible and disabled passengers are left until near last and are then reliant on, for example, when an accessible taxi might be available.
16. Given that the train providers seemingly have no way to know whether there are disabled passengers intending to travel or, at times, already on board then they cannot anticipate what alternative arrangements may need to be made. For example, they would not know to call ahead to stations where there are other disabled passengers who would have boarded a different service which has now been cancelled and the next service which can be boarded already has a passenger occupying the accessible space and as such the

---

<sup>1</sup> Office of Rail and Road Report, [Research into passenger experiences of Passenger Assist](#), November 2017

waiting passenger will not be able to travel and alternative travel arrangements must be made. Alternatively, they would not know to advise, for example when there has been a route change, that a passenger will require assistance at a different station or stations and it is then up to the disabled passenger to attempt to rearrange such assistance at short notice.

17. Similarly, the delays tended to cause overcrowding meaning train conductors cannot get through the train. As a result, the disabled person cannot seek assistance en route bar the use of a passenger alarm. This is also problematic since those delayed trains often missed out stations in order to make up time and, for the reasons noted above, taking an additional local train (for example) is not as simply done for a disabled person as it would be for an able-bodied person. The disabled passenger has no way to alert the train manager and so has no reassurance as to what station they should get off at, whether the assistance they require will be available there, whether it is an accessible station or whether the following service will have an accessible space which is not already in use. We are aware of one client who was forgotten by a train conductor –and was unable to get off the train at their stop and had to travel onwards before she was able to speak to someone, because this was late at night she was particularly concerned she would be left stranded – this was without the additional distraction for the conductor of the overcrowding. It is easy to imagine that this would be even more easily done on a crowded train where the conductor cannot pass through the carriages and the disabled person cannot flag their attention or remind of their need for assistance. This is also problematic for disabled passengers who have auditory impairments as displays on trains are often not updated with the changed route but instead the conductor will rely on making announcements over tannoy.
18. For visually impaired users these delays and cancellations are also problematic as they may be reliant on announcements at stations but short notice platform changes and the rush of passengers that often follows make it increasingly difficult for those disabled passengers to get to the train safely. Similarly once on the train if the automated announcements are turned off because of a change of route this can make travelling far more difficult for those passengers with visual impairments if station announcements are not made by the conductor. Those disabled passengers with processing difficulties will also find such situations particularly stressful – often the automated announcements on a train will continue even where the conductor has announced a changed route making it confusing for those same passengers to process the various changing and conflicting information they have been given without having access to a conductor who would be able to clarify.
19. The same overcrowding impedes the ability to get to the accessible toilet, and this is often not taken into account on crowded trains leaving disabled users unable to reach any accessible toilet on the service due to the sheer number of people.
20. Finally, it is submitted that the overcrowding caused by the delays/cancellations poses an increased danger to disabled users. There is often no one monitoring the number of passengers getting on to the accessible part of the train, nor any other, and naturally frustrated passengers tend to crowd on wherever there is any space, including around disabled users. This can be particularly dangerous where the trains take alternative high-speed routes and other users may lose their balance or move out of the way of other passengers. This

also poses problems for passengers with sensory difficulties who may be distressed by the noise or the claustrophobic nature of being closed in with such a large amount of people.

## **Conclusion**

21. Our recommendations would be as follows:
22. Equality impact assessments must be performed when timetable changes are made, especially on a scale such as those made in May 2018. This assessment should consider the impact upon disabled people and how the impact might be mitigated, addressing both additional assistance that would be required at stations in terms of announcements, displays, additional assistance, and staff training. Assessments should also take into account passenger behaviour and how to compensate for the same – for example overcrowding, rushing to platforms and pushing onto and through carriages. Such assessments should also cover disabilities of all types, including hidden disabilities.
23. The Passenger Assist scheme requires improvement generally however during such overhauls of timetables additional training and increased availability of such assistance should be paramount. This includes communication between stations and train operators and those providing assistance.

Submitted by Fry Law – 6<sup>th</sup> September 2018