



Petitions Committee

**Ensure Disabled People Can  
Access Public Transport as and  
When They Need It (P-05-710) –  
Report on the Consideration of a  
Petition**

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October 2017



**National Assembly for Wales**  
Petitions Committee

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# Petitions Committee

The Petitions Committee was established on 28 June 2016 to carry out the functions of the responsible committee set out in Standing Order 23.

Its role is to consider all admissible petitions that are submitted by the public. Petitions have to be about issues that the National Assembly had powers to take action on. The petitions process enables the public to highlight issues and directly influence the work of the National Assembly. Its specific functions are set out in Standing Order 23.

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## Current Committee membership:



**David J Rowlands AM (Chair)**  
UKIP Wales  
South Wales Central



**Mike Hedges AM**  
Welsh Labour  
Swansea East



**Janet Finch-Saunders AM**  
Welsh Conservative  
Aberconwy

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## The following Members were also members of the committee during this inquiry:



**Gareth Bennet AM**  
UKIP Wales  
South Wales Central



**Neil McEvoy AM**  
Plaid Cymru  
South Wales Central

## The following Members attended as a substitute member during the course of this inquiry:



**Angela Burns AM**  
Welsh Conservative  
Carmarthen West and South  
Pembrokeshire



**David Melding AM**  
Welsh Conservative  
South Wales Central

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## **The Committee’s Recommendations**

**Recommendation 1. The Welsh Government should progress the rollout of an ‘Orange Wallet’ style assistance scheme for all bus and rail services across Wales and examine the feasibility of supporting its use in taxis and private hire vehicles. .... Page 10**

**Recommendation 2. The Welsh Government should press Network Rail and the UK Government to deliver physical improvements to stations in Wales which are inaccessible to people with disabilities, and use its own powers to continue to invest in accessible infrastructure as budgets allow. .... Page 14**

**Recommendation 3. The Welsh Government should work with all train operating companies delivering services in Wales to raise awareness of support available to disabled passengers, in particular the possibility of providing suitable alternative transport to the nearest accessible station for disabled passengers unable to access services at the station of their choice. .... Page 14**

**Recommendation 4. The Welsh Government and Transport for Wales must ensure that the final specification for the next Wales and Borders rail franchise and future Metro developments includes a requirement for significant improvements in the accessibility of train services and Metro infrastructure across all aspects of service provision. It should consider including improved accessibility as a core contractual obligation on the successful operator and development partner. .... Page 17**

**Recommendation 5. The Welsh Government should consider how accessibility can be included as a performance measure in the performance management regime of the next Wales and Borders franchise with appropriate incentives and penalties. .... Page 17**

**Recommendation 6. The Welsh Government should consider the inclusion of a core requirement for mandatory disability awareness training for customer facing staff under the new Wales and Borders Franchise, and how it can encourage operators in Wales to ensure staff undertake detailed specific training as appropriate and support disabled passengers to be able to ‘turn up and go’ whenever possible. .... Page 20**

**Recommendation 7. The Welsh Government should develop and introduce a Welsh disability awareness module, as previously recommended by the Bus Policy Advisory Group, that encompasses both physical and mental disabilities, and explore making this a mandatory element of the Driver Certificate of Professional Competence (DCPC) for bus drivers working in Wales. .... Page 24**

**Recommendation 8. We support the Welsh Government’s proposals for statutory guidance on service quality, infrastructure and passenger information expectations for bus services in Wales. The Welsh Government should ensure that the needs of disabled people are reflected in any such guidance. This could include a strengthened requirement for the provision of audio and visual information on all operators. .... Page 25**

**Recommendation 9. We recommend the Welsh Government presses ahead with the development of common national standards for all taxi and private hire vehicles and drivers when it acquires the powers to do so, taking into account the views expressed through the recent public consultation. .... Page 32**

**Recommendation 10. The Welsh Government should consider whether it is desirable to introduce requirements or incentives for large private hire operators to retain a set quota of wheelchair accessible vehicles within their fleet, and for local authorities to ensure a reasonable proportion of licensed taxis in their area are wheelchair accessible. .... Page 32**

**Recommendation 11. The common national standards to be developed by the Welsh Government should include a requirement for all drivers in Wales to complete general disability awareness training and specific training related to the type of vehicle they drive. .... Page 35**

**Recommendation 12. Licensing authorities, with the support of the Welsh Government as required, should uphold the duty in the Equality Act 2010 for no additional charges to be made for carrying passengers in wheelchairs. When made aware of situations where drivers leave meters running whilst assisting passengers in wheelchairs to board vehicles or secure equipment, appropriate action should be taken. .... Page 35**



# The Petition

1. The following petition<sup>1</sup> was submitted using the National Assembly for Wales’s online petitions system by Whizz-Kidz Cardiff Ambassador Group.

“We call on the National Assembly for Wales to urge the Welsh Government to ensure that [young] disabled people get the right to accessible public transport when required without the need to plan assistance at least 24 hours in advance. This will then give us the ability to be independent, seek employment, travel to work and meet friends at short notice. Whizz-Kidz Ambassadors are also campaigning to get essential training for taxi and bus drivers as well as train staff in disability awareness and disability support.”

2. They provided the following additional information to support the call in the petition:

Young people at the Cardiff Ambassador Club have worked hard to campaign for improvements to public transport. All have had difficulties with taxis, buses and trains over the years and their independence is being compromised by not being able to travel as they need to. Whilst they recognise improvements have been made there is still a lot of work to do.

3. The petition gathered 97 signatures on paper and online.
4. Whizz-Kidz is a UK charity which provides life skills training, advice and support for disabled children, young people and their families as well as providing mobility equipment. There are 45 ‘Ambassador Clubs’ across the UK which act as a place for young disabled people to meet up, make friends and have fun. They also seek to improve the lives of young disabled people by raising awareness of disability issues and campaigning for improved facilities.<sup>2</sup>
5. The Cardiff Ambassador group is made up of young people with disabilities from South Wales. They handed their petition in to members of the Petitions Committee in September 2016.



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<sup>1</sup> P-05-710 – Ensure Disabled People Can Access Public Transport As and When They Need It

<sup>2</sup> [www.whizz-kidz.org.uk/](http://www.whizz-kidz.org.uk/)

## Consideration of the Petition by the Committee

6. The petition was first considered by the Petitions Committee (‘the Committee’) on the 11 October 2016 alongside an initial response from the Welsh Government Cabinet Secretary for Economy and Infrastructure, Ken Skates AM. The Committee agreed to invite the young people who submitted the petition to provide further informal evidence.

7. To enable the participants to engage as fully as possible with the Committee’s questions this session was held in private on 31 January 2017, with support from the Assembly’s Youth Education Team. The young people outlined a wide range of experiences of three forms of public transport: trains, buses and taxis. As well as answering questions from Committee Members, Whizz-Kidz produced a video and presentation.<sup>3</sup>

8. The Committee then agreed to hold further sessions with a range of public transport providers, local authorities and the Cabinet Secretary for Economy and Infrastructure during spring 2017. Full details of these sessions are at Annexe A.

### The Petitioners’ ambition and experiences

9. The petition calls for improvements to be made to various forms of public transport in order to ensure that they are accessible to disabled people. Specifically it calls on the Welsh Government to ensure that:

- Young disabled people have a right to accessible public transport when they require it, without the need to plan assistance at least 24 hours in advance.
- Taxi and bus drivers and train staff are trained in disability awareness and provide appropriate support.

10. In their evidence to the Committee, the Whizz-Kidz ambassadors outlined their experiences of public transport services in Wales and described a wide range of issues and problems. These included:

- an inability to travel at short notice;
- difficulties accessing public transport due to poor or inaccessible infrastructure, which can prolong travel time or prevent people travelling altogether;
- a lack of support on public transport; and
- a lack of staff training, which results in disabled people being made to feel like a ‘burden’.

11. The young people also described a range of impacts that these problems can have on young people with disabilities, including:

- feeling isolated and negative impacts on confidence and self-esteem;
- people not being able to look for work or socialise because transport is too difficult;
- people not feeling able to travel safely; and
- young disabled people not feeling equal to their peers.

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<sup>3</sup> [www.senedd.assembly.wales/mgIssueHistoryHome.aspx?Id=15979](http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?Id=15979)

**12.** Increasing the independence of young people with disabilities was a major theme of the evidence we received. This was well summarised by one of the petitioners:

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“I’m thirteen now, I would like to be like everyone else, go around without telling someone twenty times...so I can get what I need straight away, [get] to go where I’m going and come back with no problems.”

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**13.** In addition to these common difficulties, the petitioners described a number of issues with specific forms of public transport. In the remainder of this report we explore the challenges faced by people with disabilities when using trains, buses and taxis, and the potential opportunities for the Welsh Government and others to make improvements.

**14.** The young people who submitted the petition were wheelchair users and their experiences and concerns primarily related to using public transport whilst in a wheelchair. However all witnesses acknowledged that people with a range of disabilities and other mobility problems can experience difficulties in accessing public transport services which meet their needs. Particular reference was also made during evidence sessions to the needs of people with sensory loss and learning difficulties.

**15.** We are also mindful that this report is published at a time when further powers and responsibilities over transport policy are set to be devolved. As well as contributing a degree of uncertainty, the anticipated changes are likely to provide the Welsh Government with new opportunities to improve the experiences of people with disabilities when using public transport. This is covered in more detail in the proceeding sections.

## **The overall approach of the Welsh Government**

**16.** We welcome the positive response and evidence we received from the Cabinet Secretary for Economy and Infrastructure, Ken Skates AM. In his opening remarks to the Committee on 9 May 2017 the Cabinet Secretary outlined his approach to the Welsh Government’s work in this area:

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“Although disabled access to public transport will continue to be a responsibility for the UK Government, there is nonetheless an opportunity for us to do a lot of work in Wales, within our powers, to improve accessibility and the quality of transport that is available to disabled people, and that includes not just rail, but also buses and taxis and private-hire vehicles.”<sup>4</sup>

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**17.** The Welsh Government has established an Accessible Transport Panel and the Cabinet Secretary described to us the input that this group is having on the development of transport policy and services:

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“I established an accessible transport panel and Whizz-Kidz are represented on that panel. It’s already provided a huge amount of advice to me in terms of what’s needed within the new rail franchise, how we can reform scheduled bus services to better meet the needs of disabled passengers, and also—as part of a forthcoming set of proposals for the reform of taxi services—how we can make

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<sup>4</sup> Record of Proceedings, Para. 245 – 9 May 2017

sure that we drive up quality, and that we have a higher quality on a consistent basis across Wales for taxi and private-hire vehicle users.”<sup>5</sup>

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### **The Orange Wallet**

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**18.** The Welsh Government has funded the Orange Wallet, a communication tool which can be used by people who find it difficult to communicate their needs, under the All Wales Autistic Spectrum Disorder (ASD) Strategy. The wallet contains space for the user to insert written or visual prompts to show transport staff and can be used to help people purchase tickets or request destinations, other information or support. According to promotional information about the scheme, it is accepted by most major bus companies as well as train companies operating in Wales.<sup>6</sup>

**19.** Arriva Trains Wales told us that usage has been good on their services and that all staff at ticket offices and on trains understand the scheme. However, the Cabinet Secretary admitted that implementation of the scheme “remains somewhat inconsistent” and that he would “like to see further work carried out in that regard”.<sup>7</sup>

### **Our view**

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**20.** We believe that the orange wallet scheme should be fully rolled out across all forms of public transport. In particular, following a similar recommendation made by the Government’s Bus Policy Advisory Group in 2014, we would like to see concrete progress made as part of the Welsh Government’s development of bus policy in Wales (which is covered in more detail later in this report). We were encouraged by the following answer given by the Cabinet Secretary to our questions:

“I’d like to examine the feasibility of rolling that out across Wales. I think there have been notable successes. I think it’s valued by people who carry it. I wouldn’t wish to make it obligatory for people to have to use an orange wallet in order to notify staff that they need assistance, but, as a discreet method of doing so, I think it’s very useful and I’d like to see it rolled out.”<sup>8</sup>

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**Recommendation 1.** The Welsh Government should progress the rollout of an ‘Orange Wallet’ style assistance scheme for all bus and rail services across Wales and examine the feasibility of supporting its use in taxis and private hire vehicles.

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<sup>5</sup> Record of Proceedings, Para. 246 – 9 May 2017

<sup>6</sup> [www.asdinfo.wales.co.uk/orange-wallet](http://www.asdinfo.wales.co.uk/orange-wallet)

<sup>7</sup> Record of Proceedings, Para. 248 – 9 May 2017

<sup>8</sup> Record of Proceedings, Para. 274 – 9 May 2017

# Rail services

**21.** A wide range of issues relating to rail services were raised during evidence from Whizz-Kidz. These can be grouped into the following main themes:

- the accessibility of stations and physical infrastructure;
- the accessibility of trains; and
- the support provided by staff on trains and stations.

## Powers over rail infrastructure and services

**22.** The division of power over, and responsibility for, rail services and infrastructure in Wales is complex and currently subject to change. Statutory responsibility for rail services and infrastructure in Wales sits with the UK Government, although the Welsh Government manages the Wales and Borders franchise. Executive powers over the Wales and Borders Franchise are in the process of being devolved and the Welsh Government already possesses powers to invest in services and infrastructure.

### Infrastructure

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**23.** Although the Welsh Government is not directly responsible for rail infrastructure investment (which is the responsibility of the UK Government), it has broad powers, under the Railways Act 2005, to provide financial assistance to invest in rail “where it does so wholly or primarily for Welsh purposes”. These powers permit the Welsh Government to progress its own infrastructure priorities as well as additional rail services not included in the current franchise agreement.

**24.** Network Rail is responsible for maintaining and improving rail network infrastructure across Britain. It sets out how it will deliver improvements in five-year delivery plans. Management of stations in Wales and staffing is currently the responsibility of Arriva Trains Wales under the Wales and Borders Franchise. The Welsh Government has given indications that stations could be managed by Transport for Wales (TfW) following the award of the new franchise (covered in more detail below).

**25.** In recent years the Welsh Government has used its powers to develop a new station at Ebbw Vale (Ebbw Vale Town station)<sup>9</sup> and invest in accessibility improvements to a number of stations across the rail network.

### Procurement powers for the next Wales and Borders franchise

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**26.** In 2014 it was agreed that franchising powers for the next Wales and Borders rail franchise would be devolved to Wales. However, as of October 2017, the responsibility remains with UK Government Ministers.

**27.** Arrangements for the new franchise have recently been investigated in detail by the Economy, Infrastructure and Skills (EIS) Committee of the National Assembly for Wales. That Committee published a report in June 2017.<sup>10</sup> We are in full support of the conclusions they reached in relation to the accessibility of rail services and refer to these in more detail later in this section.

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<sup>9</sup> <http://gov.wales/topics/transport/rail/rail-projects/south-east-wales/ebbw-vale-town/?lang=en>

<sup>10</sup> Economy, Infrastructure and Skills Committee, [On the right track? The Rail Franchise and South Wales Metro](#), June 2017

**28.** For the purposes of this report, it is worth noting that TfW is progressing with the procurement of the new franchise based on the 2014 agreement reached between the UK Government and the Welsh Government to transfer franchising functions. However, in evidence to the EIS Committee, TfW and the Cabinet Secretary both noted that the delivery of its ambition for the franchise was dependent on the UK Government meeting the Welsh Government’s expectations on:

- the transfer of franchising powers on time and as agreed;
- the UK Government and Network Rail agreeing plans for the Valley Lines, which are currently being discussed; and,
- the Department for Transport (DfT) agreeing suitable financial arrangements for the Valley Lines infrastructure.

**29.** We are aware of further correspondence between the Cabinet Secretary and the Secretary of State for Transport during August 2017 regarding possible further delays to the process. Despite the continued uncertainty, on 28 September 2017 the Welsh Government invited four companies to submit final tenders for the next Wales and Borders Rail Service.

**30.** We share the EIS Committee’s frustration about the delays and continued uncertainty as to when these long-promised powers will be devolved, which make it difficult to assess when rail services in Wales will be fully accessible.

**31.** When discussing the new arrangements for the new Wales and Borders Franchise to be delivered from 2018 this report uses the term ‘franchise’ for convenience. However, we note that the final contact may be in the form of a concession rather than a standard franchise.

### Accessibility of stations

**32.** Whizz-Kidz members raised a number of difficulties with the physical design of stations. For example:

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“From where I am in Trehafod I can get down to Cardiff no problem. There’s a ramp at the station. I can’t come back with my wheelchair. I have to get off at Pontypridd and change onto a bus, because at the Trehafod station there’s steps, and obviously wheelchairs and steps don’t really mix.”

The one time I went to Barry, on the way back there was no ramp. So you have to change [train].”

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**33.** We raised these issues during an evidence session on rail services. Margaret Hickish MBE representing Network Rail told us that the company has:

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“...been working a lot on the built environment and we have an inclusive design strategy. That is supported by something called our built environment accessibility panel, which is a group of disabled volunteers who advise us on best practice and also innovations around the built environment.”<sup>11</sup>

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**34.** Barry Lloyd of Arriva Trains Wales, which currently operates the Wales and Borders Franchise, told us:

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<sup>11</sup> Record of Proceedings, Para. 57 – 21 March 2017

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“In terms of accessibility, we work jointly with Network Rail to make sure that as many of our stations are accessible as possible. There is a long-standing scheme and we have a number of enhancements that have been made over the last few years...we continue to work with Network Rail to get as much funding as possible to provide as much accessibility as we possibly can.”<sup>12</sup>

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**35.** The scheme referred to above is Access for All, a UK wide station accessibility improvement programme managed by Network Rail.<sup>13</sup> The DfT selects which stations to include in the programme and has provided £87.1m of funding in the period 2014 - 2019. The objective is to increase accessibility at stations through the provision of unobstructed and obstacle free ‘accessible routes’.

**36.** There are 15 Welsh stations listed under the programme with improvements works at Bridgend, Chirk, Prestatyn and Ystrad Mynach already completed; works at Llandaf, Machynlleth and Radyr in progress and a further 8 stations listed for future improvements.<sup>14</sup>

**37.** Overall, we heard that station accessibility in Wales is good:

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“About 93 per cent of the stations are fully accessible. And by that, that means that you can cross between the station platforms if there’s more than one platform. There are not many that you can’t access.”<sup>15</sup> – Joe Graham, Great Western Railway

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**38.** This is obviously welcome, though it indicates that work is still needed in order to provide full access to the rail network for people with disabilities. The overall percentage also masks specific problems in localities which mean that disabled people living, working or socialising close to an inaccessible station may experience significant difficulties.

**39.** Rail operators outlined the support which should be available to disabled people in this scenario. Both Great Western Railway and Arriva Trains Wales confirmed that, where stations are not accessible to people with disabilities, they would offer alternative transport to the nearest station that is:

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“[...] for those stations that aren’t accessible, what we would always offer is the ability to take a particular person to the nearest accessible station for free...So, if your local station is not accessible, we will always pay for a taxi or similar equipment to get you to the nearest location that is accessible.”<sup>16</sup> – Joe Graham, Great Western Railway

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**40.** Whizz-Kidz also described situations where existing accessible infrastructure had broken down:

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“We were in Cardiff not long ago and the lifts had broken. I couldn’t get off the station. I had to get off at Queen Street [station], get a taxi from Queen Street back to Central [station] so I could then get my connection train onwards.”

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<sup>12</sup> Record of Proceedings, Para. 66 – 21 March 2017

<sup>13</sup> [www.networkrail.co.uk/communities/passengers/station-improvements/access-for-all/](http://www.networkrail.co.uk/communities/passengers/station-improvements/access-for-all/)

<sup>14</sup> <http://archive.nr.co.uk/improvements/access-for-all/stations?status=all&category=all&location=wales>

<sup>15</sup> Record of Proceedings, Para. 71 – 21 March 2017

<sup>16</sup> Record of Proceedings, Para. 80 & 88 – 21 March 2017

41. Both rail companies outlined that the same support policies for disabled passengers would apply in circumstances like these:

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“If the lift broke down at a station, that would be faulted through our control. And if a person was disadvantaged by not being able to access the correct platform, we would then make alternative travel arrangements to help them out to make sure they complete the journey.”<sup>17</sup> – Geraint Morgan, Arriva Trains Wales

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### **Our view**

42. We welcome the general improvements which have been made in relation to accessible infrastructure at stations in Wales in recent years.

43. Nevertheless, the evidence we received led us to question how widely known or publicised the available support is, or how proactively it is offered in practice. Our conversations with the petitioners – who are all frequent users of public transport services – highlighted a need for greater awareness amongst users of rail services of the support that should be made available to disabled passengers. We believe that rail operators should make further efforts to publicise their support policies, for example by making information more clearly available on stations and company websites (rather than only in detailed policies available for download).

**Recommendation 2.** The Welsh Government should press Network Rail and the UK Government to deliver physical improvements to stations in Wales which are inaccessible to people with disabilities, and use its own powers to continue to invest in accessible infrastructure as budgets allow.

**Recommendation 3.** The Welsh Government should work with all train operating companies delivering services in Wales to raise awareness of support available to disabled passengers, in particular the possibility of providing suitable alternative transport to the nearest accessible station for disabled passengers unable to access services at the station of their choice.

### **Accessibility of trains**

44. Evidence we received from Whizz-Kidz indicated that trains themselves are also a significant problem. Particularly highlighted was an inadequate provision of space for wheelchairs, and the fact that allocated spaces are often taken up by other passengers, luggage and bikes.

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“I can’t always get into wheelchair spaces because there has been luggage there. And there’s no attempt to remove the luggage. I have to sit in between the doors, and I don’t always feel very safe.”

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45. The lack of accessibility of some of the rolling stock used on services in Wales was described as a major barrier. This is primarily a reflection of the age of many of the units currently in use.

46. In a written statement on his future plans for rolling stock in Wales, the Cabinet Secretary for Economy and Infrastructure highlighted that:

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<sup>17</sup> Record of Proceedings, Para. 108 – 21 March 2017



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“The current contract [for the Wales and Borders Franchise] does not compel the Train Operating Company to provide new rolling stock. As a result, our newest trains are more than 20 years old and the oldest are fast approaching their 40th birthday. Most do not comply with our accessibility requirements, which in itself presents a major challenge.”<sup>18</sup>

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**47.** Current regulations require that all rail vehicles must be accessible by no later than 1 January 2020.<sup>19</sup> Therefore, where possible, operators are upgrading their trains to ensure compliance. Great Western Railway confirmed that:

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[...] our high-speed trains all have disabled access at the moment. However, the new class 800 trains that will be coming in from October this year will also have new upgraded and modern disabled facilities and accessible facilities. The older stock that we have on the network...is in the middle of being modified at the moment. The first three units have gone through. The fourth one is in the works at the moment, and that will all be completed by early 2019.”<sup>20</sup>

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**48.** However, the issues are most challenging in relation to the trains being used on the Wales and Borders Franchise. We heard that there is a significant risk that rolling stock will not meet the new legal obligations when they come into force. This complemented evidence received by the EIS Committee, which heard from Professor Stuart Cole that around 70% of the fleet used on the Wales and Borders Franchise is not currently compliant with the new regulations.<sup>21</sup>

**49.** The current Welsh franchisee, Arriva Trains Wales, confirmed to us that ensuring trains are fully accessible and compliant with the legal requirements is complicated by the timescale for awarding the new franchise:

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“Ours is a little bit different, unfortunately. So, regulations come into force on 1 January 2020. At that point, we are not currently going to be the franchisee, so it’s not essentially a Wales and borders franchise issue. We’ve been advising Welsh Government on the matter for a number of years, really... Something needs to happen, but at this moment in time we can’t instigate any change because we may not be that franchisee. Obviously, when that franchise matter gets resolved at Christmas time this year [2017], we’ll be in a position to maybe do something about it, but if it’s not us, then ultimately, we’re looking at Welsh Government for support and advice on how to move forwards.”<sup>22</sup>

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**50.** This is a major cause for concern. Whatever course of action the Welsh Government, TfW and the successful bidder choose to take – which could include new trains, leasing other units or refurbishing existing rolling stock – the timescale appears extremely daunting, if not impossible. We stress that the issue is not simply one of legal compliance but, critically, one of ensuring that a major element of public transport is accessible to everyone.

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<sup>18</sup> Welsh Government, [Written Statement](#), 9 November 2016

<sup>19</sup> The Persons with Reduced Mobility Technical Specification for Interoperability (PRM-TSI) [www.era.europa.eu/Document-Register/Pages/PRM-TSI.aspx](http://www.era.europa.eu/Document-Register/Pages/PRM-TSI.aspx)

<sup>20</sup> Record of Proceedings, Para. 150 – 21 March 2017

<sup>21</sup> Economy, Infrastructure and Skills Committee, [On the right track? The Rail Franchise and South Wales Metro](#), June 2017 (Para. 101)

<sup>22</sup> Record of Proceedings, Para. 151 – 21 March 2017

**51.** The Welsh Government has been engaging in a ‘competitive dialogue’ process with four potential bidders for the next Wales and Borders Franchise. This process includes discussion of how the successful bidder will meet the needs of disabled passengers. For its part, the Welsh Government has stated that rolling stock must “Comply with the Persons with Reduced Mobility Technical Specification of Interoperability”.<sup>23</sup>

**52.** The Cabinet Secretary outlined details of the current process in oral evidence:

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“I think the next rail franchise will offer us a step-change opportunity in terms of the provision that’s made available to all passengers, but particularly to disabled passengers and passengers with impaired sight and hearing. The accessible transport panel is currently speaking with the bidders that are taking part in the procurement exercise. It’s my view that, as part of the open dialogue that we’re having with the bidders, disabled passengers’ needs are fully addressed within the proposals that those four bidders come forward with. I can’t talk about any details at this stage because the process is ongoing, but, essentially, we’ve asked them to meet the needs of disabled passengers and to provide us with the details of how they’re going to do that.”<sup>24</sup>

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**53.** We welcome this intention. However it is still unclear how the requirement for rolling stock to be accessible by 2020 will be achieved in practice, even taking into account a recent announcement of extra trains being secured for the Wales and Borders services.<sup>25</sup> A final possibility may be to seek a derogation which allows non-compliant trains to continue operating for a period of time. We heard some of the reasons that a derogation could be granted:

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“A derogation could be for a number of reasons. For example, if a train was going to be around for another three to six months, say, after the deadline, and it would cost hundreds of thousands of pounds, you might allow that train to continue running so the service wasn’t completely removed. But, again, it’s something that the department and the different authorities would make a decision on. It’s not something the operator can implement.”<sup>26</sup> – Joe Graham, Great Western Railway

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**54.** However, this would clearly be an unsatisfactory outcome for people with disabilities. Additionally, to date the DfT has indicated its unwillingness to consider granting a derogation and the Welsh Government has also been unwilling to publicly contemplate seeking one.

## **Our view**

**55.** We reiterate the conclusions of the EIS Committee on this issue, including their disappointment that the DfT did not take earlier action to address the issue of sub-standard rolling stock operating on the Wales and Borders Franchise. We note that this inaction has been compounded by the delays in transferring executive powers over the award of the new franchise to the Welsh Government, as originally agreed in 2014.

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<sup>23</sup> Welsh Government, [Written Statement](#), 9 November 2016

<sup>24</sup> Record of Proceedings, Para. 249 – 9 May 2017

<sup>25</sup> <http://gov.wales/newsroom/transport/2017/170717-welsh-government-announce-extra-rolling-stock-to-improve-rail-services/?lang=en>

<sup>26</sup> Record of Proceedings, Para. 154-155 – 21 March 2017

**56.** We urge the Cabinet Secretary to ensure that rolling stock in Wales meets the legal requirements in regard to accessibility for people with disabilities as an initial priority for the new franchise. We also await with interest the Cabinet Secretary’s response to the recent recommendation of the EIS Committee that “The Welsh Government must ensure it has a suitable contingency plan in place should it prove impossible for the [successful] bidder to comply”.<sup>27</sup>

**57.** Overall, we welcome the general approach being taken by the Welsh Government in relation to ensuring that the needs of disabled passengers are included in the franchise arrangements and the planning for the South Wales Metro. In particular it is positive that the Accessible Transport Panel, which advises the Welsh Government and includes membership from Whizz-Kidz, has been in discussion with the bidders for the Franchise.

**Recommendation 4.** The Welsh Government and Transport for Wales must ensure that the final specification for the next Wales and Borders rail franchise and future Metro developments includes a requirement for significant improvements in the accessibility of train services and Metro infrastructure across all aspects of service provision. It should consider including improved accessibility as a core contractual obligation on the successful operator and development partner.

**Recommendation 5.** The Welsh Government should consider how accessibility can be included as a performance measure in the performance management regime of the next Wales and Borders franchise with appropriate incentives and penalties.

### Support on trains and stations

**58.** Alongside ensuring that station infrastructure and trains themselves are accessible to people with disabilities, all the evidence we received indicated that it is just as important that staff on trains and at stations are responsive to the needs of all passengers and have the skills required to offer the necessary support.

#### Booking assistance in advance

**59.** Several issues were raised with us by Whizz-Kidz Ambassadors in relation to the Passenger Assist system and the advice for people in need of support to book their rail travel at least 24 hours in advance. This included difficulties experienced when trying to phone to book assistance:

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“Every time I have to go on the train, I have to ring them between 24 and 48 hours beforehand. To be honest, if it’s an emergency and I have to get somewhere, for just 10 minutes, sometimes there’s a hold up with phone calls because they get so many.”

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**60.** We also heard of examples where support had been pre-booked but wasn’t available at the time of travel:

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“The pressure then to get off the train so it can depart, that is one of the key issues. They [the staff] just aren’t there. I know they’re busy. I know they have other people to assist. But when you’ve phoned up and booked all your transport and nobody’s there; it’s frustrating.”

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<sup>27</sup> Economy, Infrastructure and Skills Committee, [On the right track? The Rail Franchise and South Wales Metro](#), June 2017 (Recommendation 11).

**61.** In general, the petitioners outlined a desire to be able to ‘turn up and go’ at stations because the requirement to book assistance in advance places restrictions on the ability of people with disabilities to travel at short notice:

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“With the train, to be honest with you, if I want to go out last minute I’m not able to because they want to know when I want the ramp. I don’t get why I have to ring every time 48 hours ahead before I can get into town. I think that’s a bit unfair [...] it’s frustrating that I have to make a 10 minute call every single time because I want the ramp. What I mean is I have to organise my journey before I actually do it. Like, if I had to go somewhere in an emergency, I’m not going to be able to ring and say ‘I need the ramp now’.”

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**62.** Great Western Railway (GWR) explained to us that, whilst booking assistance in advance is advisable, it is not a requirement:

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“The purpose of asking people to book is to ensure that things are in place prior to them travelling, to give them the best journey experience. Last year, Great Western did about 300,000 disabled assists, of which only 160,000 were booked. So, to give you some idea, it’s about half and half.”<sup>28</sup>

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**63.** However, GWR operate from the larger mainline stations in South Wales. A key challenge on the services operated by the Wales and Borders Franchise is that the majority of stations in Wales are unstaffed. Therefore Arriva Trains Wales explained that any support required by passengers at those stations is generally provided by train staff themselves:

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“Twenty per cent of our stations are staffed; for the unstaffed stations, we rely on the train crew to support anybody who needs any assistance getting on or off the train. So, all the conductors are trained in anything to do with accessibility.”<sup>29</sup>

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**64.** The company expanded upon the support which should be available to disabled passengers travelling to or from unmanned stations:

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“So, if they turn up and go at an unmanned station, if they can, obviously, get access to the platform, the conductor will support them in their journey from the point that that train turns up until the point they need to get off or change trains to another destination. The conductors are fully trained in supporting people with accessibility problems, whether they will be in a wheelchair or just need support on the train. They just need to make themselves known to the conductor when the train pulls into the platform. If they can’t get access to that station, there’s a helpline they can call, which goes through to our control team, which will then...get accessible transport to a station that is accessible.”<sup>30</sup>

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<sup>28</sup> Record of Proceedings, Para. 181 – 21 March 2017

<sup>29</sup> Record of Proceedings, Para. 65 – 21 March 2017

<sup>30</sup> Record of Proceedings, Para. 185 – 21 March 2017

**65.** The Cabinet Secretary told us that he is “very supportive of the ‘turn up and go’ proposals that are at the heart of this petition”.<sup>31</sup> We urge the Welsh Government and TfW to work with future operators of rail franchises operating in Wales to provide greater flexibility to disabled passengers, ensuring that people can travel and experience positive services whether, or not, they have booked assistance in advance.

### **Staff training**

**66.** It is essential that staff on the rail network have an appropriate level of training to support them in communicating with and supporting disabled passengers. Indeed, the training, understanding and attitudes of staff on trains and stations was a central concern for the petitioners:

“I find that a lot of the staff, the drivers and train staff, they’re not clued up. They’re don’t have enough training. They don’t have the understanding or empathy to help. It’s just “oh, just get on with it, you must be used to it”. And yeah, we are used to it because it’s an everyday thing but a little bit of help every now and then.”

**67.** Training should cover the wide spectrum of needs that passengers may have. This means that staff should therefore be well trained on disability awareness and have the skills required to be responsive to the individual requirements of passengers.

**68.** The two rail operators and Network Rail all outlined the training currently provided. All have Disabled Person’s Protection Policies (DPPPs) which make strong positive commitments to this agenda. In oral evidence to the Committee, Arriva Trains Wales outlined the initial training they provide to new recruits:

“When staff join the business, they have basic awareness training. It’s not specific to any particular disability; it’s how they can assist a person at a station: for example, if they have sight loss, how to correctly guide them through the station, how to use the ramp correctly. So that’s the training that we have. But we’re always keen to improve the awareness of every type of disability.”<sup>32</sup>

**69.** We heard that the training is refreshed by line managers and that staff have on-the-job assessments to ensure they use equipment correctly. The company also works with groups of disabled people to monitor the delivery of support in a real world environment:

“There’s a group in Cardiff called Vision 21 [...] they travel very regularly by train and by bus and they provide very helpful feedback to us on their journey experiences. I’ve travelled with them many times. I don’t brief the crew that we’re coming—they experience the journey as it is and it’s been okay.”<sup>33</sup>

**70.** Great Western Railway outlined a similar policy for their employees, with a full day of awareness training for new staff followed by annual updates.<sup>34</sup> They added:

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<sup>31</sup> Record of Proceedings, Para. 249 – 9 May 2017

<sup>32</sup> Record of Proceedings, Para. 101 – 21 March 2017

<sup>33</sup> Record of Proceedings, Para. 106 – 21 March 2017

<sup>34</sup> Record of Proceedings, Para. 104 – 21 March 2017

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“[...] we’ve worked with the charity KIDS to develop a training video. The idea there is that we scoped out a number of scenarios that might happen to a colleague, and so they can then see—and then we’ll put them through a discussion in teams to understand what they could have done differently, or what could be done differently, to support the person and to make the whole experience better.”<sup>35</sup>

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**71.** We were impressed with the approach to training outlined by Network Rail to ensure that their employees are better able to understand the overall experience of travelling with a disability:

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“It’s specifically around understanding the lives of disabled people when they travel. One of the things that we want people to understand is that when a disabled person turns up and they’ve actually got a big smile on their face, that the staff need to understand that means they’ve had a good journey up until now, and when they haven’t, it doesn’t mean that people have got a chip on their shoulder but, actually, they may have had a bad journey up until now, and it’s not anything related to them. So, it is about them starting to understand the challenges that disabled people have in life, and that’s one of the reasons why we use disabled people. We get them to talk about what their last journey was like, and how they feel, and how they would feel if they’d had that experience. And in doing that, it’s about trying to immerse them in the experience without mocking up being a disabled person.”<sup>36</sup>

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## **Our view**

**72.** The evidence we received indicated that all staff at stations and on trains in Wales receive initial disability awareness training and either periodic refreshers or are monitored with regards to their performance on the job. This is welcomed. Nonetheless, the examples provided by Whizz-Kidz gives us reason to conclude that the real-world experience of using rail services for people with disabilities is variable, and sometimes falls below the standards which should be expected.

**73.** We believe that the design and procurement of the new Wales and Borders Franchise, and the input they will have into the new Great Western Franchise procurement prior to its expected award in April 2019, provides the Welsh Government with a stronger opportunity to express its expectations for the delivery of consistent positive experiences for disabled people.

**Recommendation 6.** The Welsh Government should consider the inclusion of a core requirement for mandatory disability awareness training for customer facing staff under the new Wales and Borders Franchise, and how it can encourage operators in Wales to ensure staff undertake detailed specific training as appropriate and support disabled passengers to be able to ‘turn up and go’ whenever possible.

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<sup>35</sup> Record of Proceedings, Para. 133 – 21 March 2017

<sup>36</sup> Record of Proceedings, Para. 135 – 21 March 2017

# Bus services

## Powers

**74.** The UK Government is responsible for regulations governing the accessibility of buses. These require all new land-based public transport vehicles (trains, taxis, buses and coaches) to be accessible to disabled people, including those in wheelchairs.

**75.** Since 1 January 2017 all full size buses over 7.5 tonnes must be fully accessible, while new buses have been subject to this requirement since 2015. Coaches will be required to be fully accessible from 1 January 2020. These requirements are part of the **Public Service Vehicle Accessibility Regulations 2000** (PSVAR) which apply to all new public service vehicles (buses or coaches) in Wales introduced since 31 December 2000 and with a capacity exceeding 22 passengers.

**76.** In Wales, the Welsh Government develops bus policy which it largely implements through the funding provided to local authorities to support bus services in their area.

**77.** In 2016 the Welsh Government published **Voluntary Welsh Bus Quality Standards** consisting of 'Core' and 'Enhanced' requirements. They have stated that "operators not achieving the agreed core standard would not be entitled to apply for public funding made available from the Bus Services Support Grant [(BSSG)]".<sup>37</sup> This is a key Welsh Government funding mechanism to support bus services which is administered via local authorities.

**78.** Core requirements regarding accessibility include that vehicles must be compliant with appropriate regulatory and legislative standards, and, for operators with 50 or more vehicles operating in Wales, audio and visual next stop information equipment must be installed on vehicles acquired after 2015 and in use during passenger carrying journeys.

**79.** Enhanced requirements include a requirement related to the "proportion of drivers having completed Disability Awareness and Equality [Certificate of Professional Competence] module". Achieving enhanced requirements should entitle operators to a premium payment from their local authority.

**80.** The Welsh Government has recently run a public consultation on improving local bus services. This contained proposals to establish service quality expectations for bus services through statutory guidance, including in relation to:

- the presentation of passenger journey information and planned service changes;
- arrangements for staff training and customer care; and
- passenger engagement and service accessibility.<sup>38</sup>

## Driver training

**81.** Lack of disability awareness among bus drivers was a key issue raised in the evidence from Whizz-Kidz. Examples given included:

- drivers not stopping in locations suitable to deploy access ramps;

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<sup>37</sup> Welsh Government, Voluntary Welsh Bus Quality Standard – Guidance, 2016

<sup>38</sup> Welsh Government, **Bus Services Policy Discussion: Improving local bus services in Wales**, March 2017

- reluctance of some drivers to deploy ramps and lower bus hydraulics to match kerb heights;
- a lack of time allowed for wheelchair users to manoeuvre into allocated spaces and a lack of patience with wheelchair users getting on and off buses; and
- competition for space (e.g. between pushchairs and wheelchairs).

**82.** This can result in disabled people feeling like a burden, or somehow responsible for delays:

“For a bus I’ve had it where...they’ve got their hydraulic system there on the bus and they’ve [the driver] got the ramp, sometimes they don’t like to take the ramp out. And I have it out with the bus driver, and say “well I need the ramp down”...But I think they need to be a bit more aware of people’s disabilities and be more aware that they need to do it more often than not.”

**83.** Furthermore, impatience shown by some drivers can also impact upon people’s safety on board:

“The driver pulled off before my sister could get me in [to the bus].”

**84.** We recognise that drivers face multiple pressures when performing their roles, including to meet schedules. However, this should not result in experiences which discourage or prevent disabled people from using services. We heard from witnesses that improved driver training – and retraining – could have a positive effect on people’s experiences of services.

**85.** Cynthia Ogbonna, representing Cardiff Bus, described the importance the company places on the interaction between their drivers and passengers with disabilities:

“For us, the most important point of this is the way our drivers, who are our ambassadors, interact with and assist people who have all forms of disability.”<sup>39</sup>

**86.** She outlined the company’s approach to training and retraining:

“Disability awareness training is given to our drivers, and where we have issues such as customers reporting incidents, which does happen from time to time, we have a procedure about how we look at that to deal with that, and we refer the drivers back to the training school.”<sup>40</sup>

**87.** We also heard that increased provision of training for drivers through the Driver Certificate of Professional Competence (DCPC) has already helped to improve their perception of passenger experiences. Simon Cursio of First Group told us:

“Unquestionably. When I review the level of my complaints or the type of complaint that comes through my business, the nature of those types of

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<sup>39</sup> Record of Proceedings, Para. 205 – 21 March 2017

<sup>40</sup> Ibid.



complaints, sometimes from family members or friends, not necessarily the person themselves—they have reduced significantly.”<sup>41</sup>

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**88.** However, witnesses also suggested that current training requirements may be the cause of some of the inconsistency experienced by disabled passengers:

“There are no mandatory criteria that you must do certain [modules]. All that is important is that you have a card that qualifies you to drive. So, the companies choose which [modules] they want to deliver.”<sup>42</sup> – Cynthia Ogbonna, Cardiff Bus

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**89.** From 1 March 2018 all bus companies will be obliged to provide disability training as part of the DCPC. This should help to improve standards across the industry and consistency of customer experiences. The Confederation of Passenger Transport Cymru supported moves towards greater consistency of standards:

“I would just say that I think that that is for whoever’s going to take on the regulatory role, and they need to set the standard. We want consistent standards for everybody so that everybody complies, and that that is properly enforced.”<sup>43</sup>

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**90.** We agree with this and during our session with the Cabinet Secretary we questioned him on the possibility of introducing a module on disability awareness to driver training in Wales. He responded positively:

“I think that makes perfect sense. I think we should expect that. We should expect consistency in terms of customer delivery and in terms of assistance that’s given to disabled passengers.”<sup>44</sup>

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**91.** The Cabinet Secretary also indicated his support for disability awareness and equality training to be a core element of eligibility for grant funding:

“I think it should. In terms of buses, we’ve got the consultation taking place at the moment on reform and improvements to bus services, but I think making it a condition is certainly something that we would wish to explore and to implement. I think it’s an expectation that people have and I think it would make sense to do that.”<sup>45</sup>

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## **Our view**

**92.** We are encouraged that the Welsh Government is giving consideration to extending the requirements for bus drivers to be trained in disability awareness. We believe the Government could go a step further by implementing the recommendation previously made by the Bus Policy Advisory Group to develop a Welsh disability awareness module and making it mandatory for all drivers, as opposed to an optional module. This would help to send a strong message about the value we place

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<sup>41</sup> Record of Proceedings, Para. 273 – 21 March 2017

<sup>42</sup> Record of Proceedings, Para. 294 – 21 March 2017

<sup>43</sup> Record of Proceedings, Para. 296 – 21 March 2017

<sup>44</sup> Record of Proceedings, Para. 272 – 9 May 2017

<sup>45</sup> Record of Proceedings, Para. 278 – 9 May 2017

on good customer service and assistance for people with disabilities – points made repeatedly by the Cabinet Secretary in his evidence to us – and prompt a greater consistency of experience across Wales.

**Recommendation 7.** The Welsh Government should develop and introduce a Welsh disability awareness module, as previously recommended by the Bus Policy Advisory Group, that encompasses both physical and mental disabilities, and explore making this a mandatory element of the Driver Certificate of Professional Competence (DCPC) for bus drivers working in Wales.

### Access to information about services

**93.** Whizz-Kidz highlighted challenges with accessing information about bus services, including timetables. This mostly related to physical infrastructure, for example at bus stops:

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“The information is high, it’s very difficult if you’re sat in a wheelchair to see it.”

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**94.** As well as on buses themselves:

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“The other issues are that you can’t see or know what stop it is next. Buses should have the TVs with spoken and written; what stop’s next, how far. And then that way, myself as a partially blind person I can hear. I know what stop is next and I know when to get ready. And then that would actually cut out a lot of the disabilities issues on public transport.”

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**95.** Practical barriers of this type highlight the real world issues faced by disabled people when trying to use public transport. In the case of visual information at bus stops this would also be simple and cheap to rectify. The bus companies we spoke to also appeared to have been making investments in their fleets to improve the information provided to all passengers, and especially those with disabilities. For example, Cardiff Bus confirmed that:

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“[...] at least 40 per cent of our vehicles are fitted with screens. They also have next-stop destination on audio. All the buses we have acquired in the last four years have had those fitted—that’s the standard for us now. So, if you’re partially sighted or you’re hard of hearing, you’re able to understand where you are because this is visual and it’s audio.”<sup>46</sup>

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**96.** First Group confirmed a similar policy for providing information via audio on their buses:

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“We have worked for a number of years with associations on the audio—the Royal National Institute of Blind People, for example, and the Guide Dog Alliance—to provide audio on buses and work with partially sighted organisations, or organisations with an interest in partially sighted issues. Our fleet is not fully audio equipped. However, all of the new vehicles of course come with that functionality.”<sup>47</sup>

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<sup>46</sup> Record of Proceedings, Para. 204 – 21 March 2017

<sup>47</sup> Record of Proceedings, Para. 208 – 21 March 2017

**97.** Nevertheless, the experiences of the petitioners, demonstrate that this is not universal practice across all providers, routes and vehicles. In our view there is a strong case for further action by the Welsh Government to encourage all providers to adopt a minimum standard for buses operating in Wales, and to ensure that the accessibility of services is improved in a reasonable timeframe.

**98.** When we questioned the Cabinet Secretary on his intention to require audio and visual information on buses, we were encouraged by his response:

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“Yes, there was a bit of a pushback on our proposals for this at the time when we said we wanted to see it introduced for companies of a certain size. There was some pushback. Some companies argued that it wasn’t necessary because most people use apps now, but, actually, for a huge number of passengers, it really is still relevant and it is a valued service.

So, I wish to see—and it was quite groundbreaking for us to take the step to say, ‘It must be provided’. I think we need to go further with it and I think utilising the support, the financial resource that we have, as a lever to make sure that more bus operators introduce that sort of provision is essential.”<sup>48</sup>

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## **Our view**

**99.** We recognise that there is a necessary trade-off between requiring additional facilities and information on buses and at bus stops and the need to ensure that bus services are financially viable. A loss of services is in nobody’s interest. Nevertheless, we believe the Welsh Government should consider how to encourage improved provision of information for people with disabilities.

**Recommendation 8.** We support the Welsh Government’s proposals for statutory guidance on service quality, infrastructure and passenger information expectations for bus services in Wales. The Welsh Government should ensure that the needs of disabled people are reflected in any such guidance. This could include a strengthened requirement for the provision of audio and visual information on all operators.

## **Physical infrastructure**

**100.** Whizz-Kidz members raised a number of issues relating to the physical accessibility of buses. These included getting on and off vehicles, and being able to secure wheelchairs once on board. The following are just two examples of the testimonies we heard:

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“A couple of times I have been in my manual chair and the ramp wasn’t working. So we had to wait for the next bus in the cold.”

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“The public buses with the manual chairs especially, there’s more chance they’ll tip over rather than the electric ones. Because the electric ones, they’re heavy. There’s no way of planting it [a manual wheelchair] down in the bus where it doesn’t move.”

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<sup>48</sup> Record of Proceedings, Para. 280-281 – 9 May 2017

**101.** We questioned bus companies about the accessibility of buses within their fleets and the issues of accessing buses. Both First Group and Cardiff Bus confirmed that all vehicles in their fleets have drop-down access or ramps to assist people with disabilities to embark and disembark safely.

**102.** Even where buses are accessible, a further problem is buses being unable to stop in the required position at bus stops in order to deploy aids such as ramps or hydraulic floors. In most cases this was attributed to vehicles inappropriately parked in bus stops:

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“[...] that’s the real issue—car parking and enforcement of infringements in bus stops. Whether the bus stop is built out into the road to enable the vehicle not to lower, and for wheelchair users and pram users to just roll on and roll off—. But that is the real challenge for every bus operator.

[...] I think that’s the real-world problem, if you like—the accidents that that causes for people getting on or getting off buses, particularly if somebody has got shopping or is a little infirm, or has a walking stick or whatever it might be. That does lead to accidents as a result of indiscriminate parking and lack of enforcement—not enough enforcement.”<sup>49</sup>

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**103.** The Confederation of Passenger Transport summed up the frustration of the bus industry:

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“I think it’s a nonsense, really, that bus companies have spent money on upgrading their fleet, local authorities have spent lots of money on raising kerbs, and it’s all spoiled by selfish car owners.”<sup>50</sup>

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**104.** A member of Whizz-Kidz provided a real-life example of the impact that this can have on people with disabilities using buses:

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“We always hold our meetings at the Wales Millennium Centre when we get together. There’s a big bus stop outside the Wales Millennium Centre. There’s very often cars parked in there. And there’s a dropped kerb along there specifically for the purpose of pick up for wheelchairs users, very often we have to wait there quite a while.”

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## **Our view**

**105.** We believe there could be a role for the Welsh Government to promote greater collaboration between parking enforcement officers (whether employed by local authorities or police forces) and bus operator partnerships to address the issue of indiscriminate parking that impacts all bus passengers – and disabled passengers in particular.

**106.** We heard from witnesses that this can be successful on a local basis – for example, First Group told us that police officers, police community support officers and traffic wardens can travel for free on their buses – but that it is relatively rare in practice. It is vital that the rights and freedoms of passengers with mobility problems are adequately protected.

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<sup>49</sup> Record of Proceedings, Para. 254-258 – 21 March 2017

<sup>50</sup> Record of Proceedings, Para. 257 – 21 March 2017

# Taxis and Private Hire Vehicles

**107.** The petitioners described a number of experiences where they and their peers have found it difficult to use taxis. Despite this, many disabled people use taxis as their predominant mode of public transport, in part due to the challenges with other forms of public transport outlined earlier in this report. This highlights the importance of ensuring that vehicles are accessible and drivers provide safe and reliable services.

**108.** The negative experiences that the petitioners had experienced with taxis can be summarised into the following broad categories:

- limited availability of accessible vehicles in some areas, including difficulty pre-booking or ‘hailing’ taxis; and
- a lack of understanding and poor behaviour from drivers.

**109.** To explore these issues we held an evidence session with the Licensed Private Hire Car Association (LPHCA) and the Welsh Local Government Association (WLGA). We did not receive evidence from the National Taxi Association despite offering the opportunity for them to provide their views in person or in writing.

## Taxi licensing and registration

**110.** In England and Wales, taxis and private hire vehicles (PHVs) are licensed by local authorities. Current licensing arrangements are based on a two-tier system that distinguishes between taxis, which can be hailed or use taxi ranks as well as undertaking pre-booked journeys, and PHVs, which must be pre-booked. For ease of reference, the term ‘taxi’ is used to refer to both types of vehicles, where appropriate, in this report.

**111.** The licensing conditions applied to taxi and PHV drivers and their vehicles, including vehicle standards, are specified by each local authority and vary from area to area. Executive powers and competence to legislate over the licensing of taxi and PHV drivers, vehicles and operators is anticipated to be devolved to Welsh Ministers and the Assembly in 2018.

## Welsh Government action

**112.** The Welsh Government has stated that “taxi and private hire services are an essential part of the public transport system. They enhance the public transport system and enable social inclusion, particularly for disabled people”.<sup>51</sup>

**113.** Between 2012 and 2014 the Law Commission conducted a review into Taxi and Private Hire Services.<sup>52</sup> In a response to the Law Commission’s consultation, the then Welsh Government stated that:

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“Legislation already requires that all buses and coaches must be accessible within a specified timeframe. There may be an argument that this should be extended to taxis and PHVs.”

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<sup>51</sup> Welsh Government, [Taxis and private hire vehicles](#), 2016

<sup>52</sup> Law Commission, [Taxi and Private Hire Services](#), 2014

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“[...] A 100%-accessible fleet should be made a requirement, phased-in over a period of time sufficient for the industry to take the necessary steps (perhaps five to 10 years). The unit cost of each vehicle would reduce over time.”<sup>53</sup>

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**114.** Welsh Government officials also endorsed a proposal for national standards for taxis and PHV drivers to include recognised disability awareness training.

**115.** The Law Commission’s final report, published in May 2014, recommended:

- Common national standards for vehicles, drivers and dispatchers to be determined by the Secretary of State with local authorities retaining responsibility for licensing.
- Improved equality and accessibility by requiring all drivers to undergo disability awareness training.
- That licensing authorities should reconsider rank design to ensure compliance with the Equality Act 2010.
- That the Secretary of State should have the power to impose accessibility requirements on large operator/dispatchers such as the power to set a quota of accessible vehicles which must be available to such dispatchers.<sup>54</sup>

**116.** The UK Government has not published a response to the Law Commission’s final recommendations. However, in anticipation of the devolution of powers in 2018, the Welsh Government has published a public consultation on Taxi and Private Hire Vehicle Licensing in Wales, which proposes implementing many of the recommendations. In relation to accessibility these include:

- introduction of national standards for all taxis and private hire vehicles, set by the Welsh Ministers, with the power for local licensing authorities to set additional standards;
- introduction of mandatory disability awareness training for all taxi and private hire drivers; and
- a power for local licensing authorities to introduce a duty on taxis to stop when hailed, to help address the problem of certain drivers passing by disabled people.<sup>55</sup>

## Accessibility of taxis and Private Hire Vehicles

### National standards

**117.** When asked if the current licensing arrangements were delivering the desired quality and accessibility of taxis and PHVs for people with disabilities, Steve Wright of the LPHCA answered definitively:

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“Clearly it’s not. I’ve been involved in transport since 1967, in one way or another, and there are lots of good things—wheelchair accessibility and what have you—but there’s still a lot to be done on the front line with regard to training and delivery for people [...] Yes, things have come along and, yes,

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<sup>53</sup> Welsh Government, [Response to Law Commission consultation – Reforming the law of taxi and private hire services, 2012](#) (PDF)

<sup>54</sup> Law Commission, [Taxi and private hire services, 2014](#)

<sup>55</sup> Welsh Government, [Taxi and private hire vehicle licensing in Wales](#) (consultation), 2017

there is better provision but, at the front line, it doesn't happen and a lot of the points that Whizz-Kidz have made in the petition are very valid.”<sup>56</sup>

**118.** The WLGA pointed to variable experiences in different parts of Wales:

“I think there is a mixed provision across Wales. I think there are some local authorities that are pushing the boundaries a little bit. I think there's a lot that other local authorities could do to perhaps be a little bit more proactive in this area.”<sup>57</sup>

**119.** We explored with witnesses the potential for common national standards to make a difference. The LPHCA told us:

“I think, if we do get some national standards, the inconsistency between local authority and local authority will improve. I think national standards are a good thing. I think, if the bar is set at a level, everybody can aspire to it, and the delivery for disabled people will become better.”<sup>58</sup>

**120.** The WLGA also supported greater consistency:

“As local authorities and licensing authorities, we'd welcome a more consistent approach, and to replace the perhaps antiquated legislation such as the Town Police Clauses Act 1847, I believe it is. There is a desire, I think, for some form of consistency across Wales.”<sup>59</sup>

**121.** One rationale given for pursuing a more consistent national approach was the issue of 'cross-border' working (meaning, in this case, to drivers working across different local authority licensing regimes). We heard that this is becoming increasingly prevalent, in part because of new technology which increases the scope for drivers to work outside of their licensed area:

“I think there is a problem with that [...] I think the legislation doesn't need to be protectionist, but it does need to take account of local provision. Local provision, including disabled provision, will be harmed if people from outside that don't meet the regime's standards and requirements come into an area. It devalues it.”<sup>60</sup> – Steve Wright, LPHCA

**122.** It was noted that other forms of public transport already operate in this way:

“I'm absolutely clear that taxi licensing is a form of public transport, and, if we're going to apply good-quality standards to buses, perhaps there should be a similar consistent quality to other forms of transport that complement the bus and the train networks, such as community transport and taxis.”<sup>61</sup> – John Forsey, WLGA

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<sup>56</sup> Record of Proceedings, Para. 80 – 4 April 2017

<sup>57</sup> Record of Proceedings, Para. 81 – 4 April 2017

<sup>58</sup> Record of Proceedings, Para. 83 – 4 April 2017

<sup>59</sup> Record of Proceedings, Para. 84 – 4 April 2017

<sup>60</sup> Record of Proceedings, Para. 87 – 4 April 2017

<sup>61</sup> Record of Proceedings, Para. 105 – 4 April 2017

**123.** In our evidence with the Cabinet Secretary for Economy and Infrastructure, he outlined the Welsh Government’s proposed approach in this area (prior to the launch of the public consultation):

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“It’s my intention to consult on a number of proposals regarding taxis and private hire vehicles in order to implement national standards that will not distinguish between taxis and private hire companies. There’s evidence out there that suggests that disabled people are being disadvantaged in terms of private hire vehicles, and we wish to see this end. Introducing national standards that are implemented consistently across Wales will help achieve this, and it will relate not just to the quality and the safety of the passenger experience, but also to the training that’s provided to drivers, the availability of vehicles that can carry wheelchairs and also the expectation on carriers to ensure that passengers feel safe and comfortable and pay a fare that is reasonable and standard.”<sup>62</sup>

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### **Availability of accessible vehicles**

**124.** Another issue raised by the petitioners was a lack of availability of vehicles able to carry people in motorised or non-motorised wheelchairs. Where these are not available in sufficient numbers it can result in people experiencing a significant wait or being unable to travel. The petitioners found this extremely frustrating:

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“I often have trouble with taxis the most in Newport. Obviously with cabs you have to book in advance, you can’t go straight away. That’s a problem if I need to go somewhere.”

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**125.** Reliability of taxis, even where they have been booked, was also identified as an issue:

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“A friend has had a situation where a taxi is organised via contract to get them to college, but they’ve been late for lessons because the taxi’s been late.”

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**126.** Staff working for Whizz-Kidz explained that this is a common problem that they experience when supporting their young people to attend meetings and events:

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“We have accounts with a couple of taxi firms in Cardiff, some better than others, who we use if we’re doing events with Whizz-Kidz. And I, for example booked three weeks in advance of this morning and Sam was still half an hour late being picked up despite me ringing and booking.”

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**127.** We explored the possibility of using licensing conditions to try to ensure sufficient provision of accessible vehicles in a given area. Witnesses told us that this was a complicated issue with multiple trade-offs between different accessibility requirements, and that pre-booking was the best way to ensure a suitable vehicle was available:

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“[This is] one of the more difficult things to resolve. [...] The being instantly available is not easy. If you try to make every single vehicle wheelchair accessible, for example, that wouldn’t help blind people and people that want a low seat and not to have to climb. There are various trade-offs, and the one

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<sup>62</sup> Record of Proceedings, Para. 298 – 9 May 2017



thing that's not easily resolved by regulating or any other method is guaranteed fast provision.

A little bit of pre-booking would help, and I think that's advice for the people. That way, they get a good spread of private-hire vehicles and taxis that can do the various different jobs. Some are special needs, some are blind people, and some are deaf people. We used to take all sorts of disabled people, and I think, in fairness to the trade, a little bit of notification will get you the vehicle that you want.”<sup>63</sup> – Steve Wright, LPHCA

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**128.** Another issue raised was the possibility of establishing quotas for the number of accessible vehicles in an area or company. However, we heard that this could not guarantee that suitable vehicles were available, without delay, at all times of day:

“I think there are examples where local authorities are buying in wheelchair-accessible vehicles to take learners with special needs, for example, to school. The taxi company may take the view that they've earned enough money there, 'Thanks very much, I don't want to be out on a Friday and Saturday night.' Quite how we encourage or regulate or make those vehicles available throughout the day for a longer period of time is a challenge.”<sup>64</sup> – John Forsey, WLGA

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**129.** From an industry perspective, Steve Wright of the LPHCA explained that the ownership of vehicles themselves would be a barrier to operating such a system:

“From my perspective, obviously having run a fleet, in the industry that I'm in, as a private-hire operator, most people are self-employed. So, which drivers would you choose to tell, 'Well, you 10, out of the 100 I've got, have this type of vehicle'? It just doesn't work, applying it. I think it's difficult to do that. There aren't many owned fleets. It's a bit of a myth that the taxi operator owns all the vehicles. It isn't that way; it's usually the driver who owns the vehicle...So, I don't think that's the solution.”<sup>65</sup>

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**130.** From the LPHCA's perspective the answer to increasing the number of accessible vehicles could lie in providing incentives for drivers or operators to invest in certain types of vehicle:

“What some drivers will say is, 'Well, if I get a specialist vehicle, it actually is going to cost me an extra £3,000 or £4,000 to get the testing, the wheelchair fittings done, seatbelt anchorage points, and all those sorts of things. There's no extra money for doing this, so if I can get some sort of subsidy, I'm the type of person who would like to do this.' And I think there are more subtle ways, rather than mandating that 10 per cent of the fleet should be wheelchair accessible or specialist needs.”<sup>66</sup>

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<sup>63</sup> Record of Proceedings, Para. 129 – 4 April 2017

<sup>64</sup> Record of Proceedings, Para. 132 – 4 April 2017

<sup>65</sup> Record of Proceedings, Para. 133 – 4 April 2017

<sup>66</sup> Record of Proceedings, Para. 134 – 4 April 2017

**131.** They also suggested that procurement of services by local authorities could also provide a means of improving availability when, for example, firms are bidding for contracts:

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“Councils also procure and have the opportunity through their procurement to say, ‘Well, you’ve got a better chance of this contract if 25 per cent of your vehicles are wheelchair accessible.’ There’s a sort of subtle way of doing it without mandating it on fleets.”<sup>67</sup>

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**132.** The Cabinet Secretary indicated that this was something which might improve naturally over time<sup>68</sup> and that could also be addressed locally:

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“Yes, local authorities will be able to address this through licencing regimes, and this is something that we’re proposing as part of the consultation. So, we would hope that, in the future, through local authority licencing, sufficient vehicles to carry out the sort of service provision that you’ve outlined will be available.”<sup>69</sup>

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## **Our view**

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**133.** We welcome the approach outlined in the Welsh Government’s consultation on Taxi and Private Hire Vehicle Licensing in Wales. Implementing the Law Commission’s recommendations for improving the accessibility of taxis and PHVs, including common national standards, should encourage an improved and more consistent experience for disabled passengers as well as other taxi users.

**134.** We acknowledge that ensuring there is sufficient availability of accessible vehicles is a complicated area of licensing policy, with many competing factors. We conclude that using tools, such as financial incentives for drivers to purchase accessible vehicles and ‘soft’ encouragement through contract procurement by local authorities, to encourage greater provision of accessible vehicles may produce the best outcomes for people with disabilities.

**Recommendation 9.** We recommend the Welsh Government presses ahead with the development of common national standards for all taxi and private hire vehicles and drivers when it acquires the powers to do so, taking into account the views expressed through the recent public consultation.

**Recommendation 10.** The Welsh Government should consider whether it is desirable to introduce requirements or incentives for large private hire operators to retain a set quota of wheelchair accessible vehicles within their fleet, and for local authorities to ensure a reasonable proportion of licensed taxis in their area are wheelchair accessible.

## **Driver training**

**135.** The evidence we received from Whizz-Kidz in relation to the attitudes and behaviour of some drivers of taxis and PHVs, was a cause of significant concern. They raised a number of issues including:

- drivers not wanting to strap wheelchairs in;

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<sup>67</sup> Record of Proceedings, Para 136 – 4 April 2017

<sup>68</sup> Record of Proceedings, Para. 300-302 – 9 May 2017

<sup>69</sup> Record of Proceedings, Para. 308 – 9 May 2017

- drivers running the meter while wheelchair users are getting into the vehicle rather than once the journey begins; and
- drivers refusing to take wheelchair users even though they have accessible vehicles.

**136.** The following is a small sample of the examples we heard from the petitioners:

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“Sometimes you just get one or two [drivers] who can’t be bothered basically, to put the wheelchair in or say ‘the car’s too small for the chair’. And there’s just no reason, no reason at all.”

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“Some drivers don’t see the point of [strapping the wheelchair in], and I have to remind them why I need to be strapped in, because some people believe “well, you’re already strapped to the chair”. But at the end of the day, the chair’s not strapped to the taxi. It’s almost like saying “you’re strapped in with a seatbelt” but then the seat not being attached to the taxi.”

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“It depends who they send really. If they send a good driver, like we ask for, we have no problem... If they send someone who doesn’t have a clue, then I’m a bit stuck [...] because I can come out of my chair myself but I can’t put it [my wheelchair] in the car myself. So I’d need someone to help me.”

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**137.** The petitioners were clear in their view that many drivers require an improved appreciation of the needs of individuals. The WLGA highlighted recent changes to the law which might help to prevent some of the worst examples highlighted by Whizz-Kidz:

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“There are amendments to the Equality Act 2010 that mean, if you have a disabled-access vehicle registered with a local authority come 6 April this year, it will become an offence if the taxi driver discriminates. So, hopefully, it may resolve some of the issues that Whizz-Kidz were referring to, in that taxi drivers were refusing to take people in wheelchairs. Hopefully, that may start to address the issue.”<sup>70</sup>

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**138.** All witnesses considered that improving driver training, and making sure it is consistent and required across Wales, was the best way to address many of the issues experienced by the petitioners:

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“Absolutely. In my mind, I think there’s an opportunity if local authorities looked at it holistically, in terms of, if we’re the licensing authority, we’re also buying in large numbers of transport, especially for learners with special educational needs and more rural transport. There’s an opportunity there to mandate some quite specific and appropriate training across the board for a taxi licensing company, which shouldn’t be too onerous either.”<sup>71</sup> – John Forsey, WLGA

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<sup>70</sup> Record of Proceedings, Para. 109 – 4 April 2017

<sup>71</sup> Record of Proceedings, Para. 111 – 4 April 2017

**139.** We heard from Whizz-Kidz that there are also good examples of drivers providing a high standard of assistance to passengers with disabilities:

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“A couple of drivers, for example, in Capital [a local taxi company] I believe have had training because they’re really, really good. But others haven’t and there is no consistency.”

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**140.** Indeed, we heard from the WLGA that local requirements for driver training vary significantly:

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“[...] there’s about three or four local authorities in Wales that mandate that, in order to gain a licence, you have to follow some form of disability training. That could be a BTEC in the professional standards for taxi drivers. Ceredigion, for example, use a condensed version of the MiDAS training, which again helps deliver outcomes in terms of securing passengers properly into their vehicles and just creating that awareness around DDA issues as well.”<sup>72</sup>

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**141.** In relation to the local authorities that are the most forward-thinking in this regard we heard that:

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“The city and county of Cardiff, which mandates disability training and BTEC, Rhondda Cynon Taf, Bridgend, and Ceredigion, I think, are the four that I’ve been made aware of [that mandate disability training for drivers]. I think there’s a lot of scope for other local authorities to perhaps catch up with those four, specifically on this issue.”<sup>73</sup>

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**142.** The LPHCA highlighted that any training should be specific to the needs of the driver being trained:

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“Training should be modular. It’s no good training a private-hire driver who hasn’t got a wheelchair ramp in the back of the vehicle to be able to use a hoist. It really does need to be modular and appropriate and fit for purpose.”<sup>74</sup>

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**143.** The Cabinet Secretary agreed with the importance of training for drivers and stressed that this is at the top of the Welsh Government’s agenda in this area:

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“I think the key piece of work for us is with training. That’s where we can, with our responsibilities and our existing powers, have the greatest influence in terms of making sure that drivers are fully trained in terms of passenger needs and expectations.”<sup>75</sup>

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**144.** The Cabinet Secretary pointed to the planned development of national standards as the mechanism through which this could be developed:

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“Through the introduction of national standards, which can be enhanced by local authorities where it’s considered something that is desirable, I think we

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<sup>72</sup> Record of Proceedings, Para. 95 – 4 April 2017

<sup>73</sup> Record of Proceedings, Para. 109 – 4 April 2017

<sup>74</sup> Record of Proceedings, Para. 113 – 4 April 2017

<sup>75</sup> Record of Proceedings, Para. 302 – 9 May 2017

can, then, ensure that we have a standard degree of consistency in terms of quality.”<sup>76</sup>

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**145.** We were extremely concerned to hear evidence from Whizz-Kidz of situations when meters have been started before wheelchair users have safely boarded vehicles, or whilst drivers are stowing wheelchairs or other equipment in the vehicle.

**146.** In our view this is unacceptable and we consider it is likely to breach the duty in the Equality Act 2010 for drivers of “designated vehicles” (those maintained on a licencing authority list of designated vehicles) to assist passengers in wheelchairs, including: to carry the passenger while in a wheelchair and not to make any additional charge for doing so.

### **Our view**

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**147.** Ensuring there is greater consistency of training provided to drivers of taxis and Private Hire Vehicles should be a priority for the Welsh Government in its development of policy and standards, in light of the evidence we heard from petitioners. In addition, local authorities should be empowered to take strong action when presented with evidence that drivers are not providing acceptable standards of services to people with disabilities, including retraining or removal of licenses where necessary.

**Recommendation 11.** The common national standards to be developed by the Welsh Government should include a requirement for all drivers in Wales to complete general disability awareness training and specific training related to the type of vehicle they drive.

**Recommendation 12.** Licensing authorities, with the support of the Welsh Government as required, should uphold the duty in the Equality Act 2010 for no additional charges to be made for carrying passengers in wheelchairs. When made aware of situations where drivers leave meters running whilst assisting passengers in wheelchairs to board vehicles or secure equipment, appropriate action should be taken.

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<sup>76</sup> Record of Proceedings, Para. 306 – 9 May 2017

## Conclusions

**148.** We would like to thank Whizz-Kidz, and in particular the young people who make up the Cardiff Ambassador Group, for bringing this important matter to our attention through their original petition and for supporting our inquiries by providing information to us in person, by video and through a presentation.

**149.** We would like to acknowledge the support of the National Assembly for Wales's outreach and youth engagement teams who supported Whizz-Kidz to develop their petition and the evidence session.

**150.** We would also like to place on record our thanks to all those who provided evidence to the Committee, including Arrive Trains Wales, Great Western Railway, Network Rail, Cardiff Bus, First Group, the Confederation of Passenger Transport Cymru, the Licensed Private Hire Car Association, the Welsh Local Government Association, the Cabinet Secretary for Economy and Infrastructure and his officials.

# Annex A – List of Witnesses

The following witnesses provided oral evidence to the Committee on the dates noted below.

Transcripts of all oral evidence sessions can be viewed in full at

<http://senedd.assembly.wales/mgIssueHistoryHome.aspx?Ild=15162>

## 31 January 2017 (private)

Name	Organisation
Alex Bird	Whizz-Kidz Cardiff Ambassador Group
Samuel Fox	Whizz-Kidz Cardiff Ambassador Group
Ayesha Khan	Whizz-Kidz Cardiff Ambassador Group
Joshua Rosenthal	Whizz-Kidz Cardiff Ambassador Group

## 21 March 2017

### Session 1 – Rail

Name	Organisation
Barry Lloyd	Arriva Trains Wales
Geraint Morgan	Arriva Trains Wales
Joe Graham	Great Western Railway
Margaret Hickish MBE	Network Rail

### Session 2 – Bus

Name	Organisation
Cynthia Ogbonna	Cardiff Bus
John Pockett	Confederation of Passenger Transport Cymru
Simon Cursio	First Cymru

## 4 April 2017

Name	Organisation
Steve Wright MBE	Licensed Private Car Hire Association (LPHCA)
John Forsey	Welsh Local Government Association (WLGA)

## 9 May 2017

Name	Organisation
Ken Skates AM	Cabinet Secretary for Economy and Infrastructure, Welsh Government
Rhodri Griffiths	Deputy Director - Transport Policy, Planning & Partnerships, Welsh Government

## Annex B – List of Written Evidence

The following people and organisations provided written evidence to the Committee. All written evidence can be viewed at

<http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=15979>

Organisation	Meeting Considered
Ken Skates AM, Cabinet Secretary for Economy and Infrastructure	10 September 2016
Whizz-Kidz presentation to the Committee and video	31 January 2017