

Railways Bill

AMENDMENTS TO BE MOVED IN GRAND COMMITTEE

[Supplementary to the Second Marshalled List]

After Clause 15

BARONESS GREY-THOMPSON

After Clause 15, insert the following new Clause—

“Railway accessibility strategy

- (1) Within 12 months beginning on the day on which this Act is passed, the Secretary of State must publish a railway accessibility strategy.
- (2) The strategy must cover a period of not less than 10 years.
- (3) Great British Railways must exercise its functions in accordance with the strategy.
- (4) The strategy must include—
 - (a) a programme and timetable for achieving permanent step-free access at railway stations and to all platforms,
 - (b) measures for improving the accessibility of railway rolling stock,
 - (c) measures for improving accessibility at stations and station facilities,
 - (d) measures for accessible interchange between railway passenger services and other forms of public transport,
 - (e) measures for the carriage of wheelchairs, powered wheelchairs, mobility scooters and other mobility aids,
 - (f) measures for ensuring the accessibility of rail replacement and other alternative transport,
 - (g) measurable targets and milestones,
 - (h) an assessment of the funding required to meet those targets,
 - (i) arrangements for monitoring and reporting progress, and
 - (j) arrangements for involving disabled persons and organisations representing disabled persons in the development and implementation of the strategy.

- (5) The strategy must include details of how the programme and measures listed in subsection (4) will be funded.
- (6) The strategy must include a timetable for the progressive elimination of –
 - (a) stations without step-free access to all platforms, and
 - (b) barriers preventing independent travel by disabled persons.
- (7) The provision of reasonable adjustments or passenger assistance must not be treated as a substitute for permanent step-free access where permanent step-free access is reasonably practicable.
- (8) The Secretary of State must review the strategy at least once every five years.
- (9) Before publishing or revising the strategy, the Secretary of State must consult –
 - (a) the Passengers' Council,
 - (b) the Office of Rail and Road,
 - (c) such organisations representing disabled persons as the Secretary of State considers appropriate,
 - (d) Great British Railways, and
 - (e) such other persons as the Secretary of State considers appropriate.
- (10) The Secretary of State must lay the strategy, and each subsequent revised strategy, before Parliament.
- (11) The Secretary of State must publish an annual report on progress against the strategy.”

Member's explanatory statement

This new clause requires a 10-year railway accessibility strategy, including a funded programme for permanent step-free access, accessible rolling stock, mobility-aid carriage, accessible interchange and accessible rail replacement services. It also requires measurable targets, annual reporting and the involvement of disabled people in the development of the strategy.

Clause 18

BARONESS GREY-THOMPSON

Clause 18, page 11, line 10, at end insert –

- “(2A) In exercising functions to which this section applies, the persons mentioned in subsection (1) must –
- (a) promote equality of access to railway passenger services and station services,
 - (b) make continuous improvements to the accessibility of those services and facilities, and
 - (c) seek to ensure that disabled persons and persons with reduced mobility are able to travel safely, independently and with dignity.”

Member's explanatory statement

This amendment seeks to strengthen the existing general duty by requiring continuous improvement in accessibility and by establishing an objective of safe, independent and dignified travel for disabled persons and persons with reduced mobility.

BARONESS LAING OF ELDESLIE

Clause 18, page 11, line 23, at end insert –

““value for money” means the optimal balance between whole-life cost, opportunity cost, quality risk management of procurement projects, passenger operations costs and the use of public funds.”

Member's explanatory statement

This amendment, and another in the name of Baroness Laing of Elderslie, widen the duty on GBR to make efficient use of public funds by adding a “value for money” duty which requires GBR to consider wider cost and benefit factors.

After Clause 22

BARONESS GREY-THOMPSON

After Clause 22, insert the following new Clause –

“Accessibility duty

- (1) When exercising their functions, Great British Railways and the ORR must seek to –
 - (a) protect and advance the rights of disabled passengers,
 - (b) reduce accessibility barriers, and
 - (c) promote independent travel for disabled passengers.
- (2) Great British Railways and the ORR must each report annually on progress made on meeting the duty under subsection (1).”

Clause 36

BARONESS GREY-THOMPSON

Clause 36, page 20, line 19, at end insert –

- (2) In fulfilling its duty under subsection (1)(a), the Passengers’ Council must seek to –
 - (a) protect and advance the rights of disabled passengers,
 - (b) reduce accessibility barriers, and
 - (c) promote independent travel for disabled passengers.”

Clause 46

BARONESS GREY-THOMPSON

Clause 46, page 25, line 17, at end insert —

- “(e) permanent step-free access to stations, platforms and trains,
- (f) accessibility of station entrances, exits, platforms and interchanges,
- (g) the carriage of wheelchairs, powered wheelchairs, mobility scooters and other mobility aids,
- (h) accessibility of rail replacement services and alternative transport,
- (i) provision of accessible transport where a rail replacement service cannot accommodate a passenger’s mobility aid,
- (j) provision and reliability of lifts, ramps and other accessibility equipment,
- (k) accessible passenger information,
- (l) passenger assistance, including assistance during disruption,
- (m) accessible ticketing facilities, and
- (n) the involvement of disabled persons and organisations representing disabled persons in the development and review of accessibility standards.”

Member's explanatory statement

This amendment makes explicit that accessibility standards may cover permanent step-free access, mobility aids, rail replacement services, alternative transport, accessibility equipment, passenger information, passenger assistance and ticketing.

After Clause 58

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause —

“Duty to engage in co-production regarding accessibility

- (1) Great British Railways, train operating companies, Network Rail and station operators must—
 - (a) establish permanent accessibility advisory panels within one year of the day on which this Act is passed,
 - (b) demonstrate how they have involved disabled people and disabled people's organisations in decision-making,
 - (c) demonstrate how disabled people's views have influenced final decisions, and
 - (d) publish annual reports on co-production activity.
- (2) In this section, “co-production” has the same meaning as in the care and support statutory guidance issued under the Care Act 2014, in which it means ways of working that involve people who use health and care services, carers and communities in equal partnership.”

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause —

“Accessible rail transport standards commission

- (1) Within 12 months beginning on the day on which this Act is passed, the Secretary of State must establish an independent accessible rail transport standards commission.
- (2) The powers and functions of the commission are —
 - (a) to set rail accessibility standards;
 - (b) to review those standards every five years;
 - (c) to issue binding guidance to rail operators on complying with accessibility standards.
- (3) The commission must involve disabled people directly in the governance of the commission.”

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause —

“Duty to consider accessibility evidence

Before making a decision relating to the design, operation, funding, management or modification of rail infrastructure or services, Great British Railways and other passenger service operators must —

- (a) consider relevant accessibility evidence,
- (b) consult disabled passengers and disabled people’s organisations,
- (c) publish a statement explaining how that evidence informed the final decision taken, and
- (d) provide reasons for not adopting any recommendations arising from the consultation.”

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause —

“Passenger assistance guarantee

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must by regulations set out the passenger assistance guarantee.
- (2) The passenger assistance guarantee must require passenger rail operators to —
 - (a) deliver booked assistance to disabled passengers,
 - (b) provide alternative arrangements where assistance is unavailable,
 - (c) compensate passengers automatically when assistance is not provided, and
 - (d) record and publish assistance failure rates.”

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause —

“Accessibility data and transparency

Great British Railways, passenger service operators and operators of stations must publish real-time accessibility information including —

- (a) lift availability,
- (b) accessible toilet availability,
- (c) staffing levels,
- (d) assistance availability,
- (e) platform accessibility, and
- (f) disruption impacts on disabled passengers.”

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause —

“Accessible railway stations duty

Great British Railways must ensure that any station accessibility assessments include evaluation of —

- (a) streets and pavements directly outside of railway stations,
- (b) dropped kerbs directly outside of railway stations,
- (c) crossings directly outside of railway stations,
- (d) wayfinding around railway stations,
- (e) taxi access and connections directly outside of railway stations, and
- (f) bus interchange directly outside of railway stations.”

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause —

“Review of accessibility enforcement powers

- (1) Within 12 months beginning on the day on which this Act is passed, the Secretary of State must publish a review of the Office of Rail and Road’s accessibility enforcement powers relating to railways.
- (2) The review must consider the ORR’s powers to —
 - (a) investigate accessibility failures,
 - (b) issue improvement notices,
 - (c) impose financial penalties, and
 - (d) publish annual accessibility enforcement reports,as they relate to the railways.
- (3) The review must include recommendations for improving the ORR’s railways accessibility enforcement powers.

- (4) The Secretary of State must lay a report under this section before both Houses of Parliament.”

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause —

“Accessibility training of relevant staff

- (1) Great British Railways must require mandatory disability inclusion training for —
- (a) board members;
 - (b) senior managers;
 - (c) station managers;
 - (d) planners and designers;
 - (e) frontline personnel.
- (2) The training required under subsection (1) must be co-produced and co-delivered with disabled people.”

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause —

“Wheelchairs, mobility scooters and other mobility aids

- (1) Great British Railways and other passenger service operators must make provision for the carriage of wheelchairs, powered wheelchairs, mobility scooters and other mobility aids.
- (2) A passenger must not be refused carriage solely because the passenger uses a wheelchair, powered wheelchair, mobility scooter or other mobility aid.
- (3) Great British Railways must establish nationally consistent standards concerning —
- (a) the dimensions and characteristics of mobility aids capable of being carried,
 - (b) designated wheelchair and mobility scooter spaces,
 - (c) boarding and alighting arrangements,
 - (d) the securing of mobility aids where necessary,
 - (e) assistance for passengers using mobility aids, and
 - (f) circumstances in which carriage may be refused on objective safety or physical-capacity grounds.
- (4) A restriction on the carriage of a mobility aid must be —
- (a) objectively justified and proportionate,
 - (b) published in advance in an accessible form, and
 - (c) accompanied by arrangements for suitable accessible alternative transport.
- (5) Great British Railways must seek to ensure that passengers are not required to use a different mobility aid as a condition of travelling by railway.

- (6) The Secretary of State may by regulations prescribe minimum standards for the carriage of mobility aids.”

Member's explanatory statement

This amendment establishes explicit statutory protection for wheelchair and mobility scooter users using railway services and requires Great British Railways to establish nationally consistent carriage standards. It also requires Great British Railways to provide accessible alternative transport where a mobility aid cannot safely be accommodated.

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause –

“Accessibility of rail replacement services

- (1) Great British Railways and other passenger service operators must ensure that, so far as reasonably practicable, a rail replacement service enables disabled persons and persons with reduced mobility to complete their journey safely, independently and with dignity.
- (2) A rail replacement service must, so far as reasonably practicable, be capable of carrying –
 - (a) passengers using manual wheelchairs,
 - (b) passengers using powered wheelchairs,
 - (c) passengers using mobility scooters, and
 - (d) passengers using other mobility aids reasonably required by those passengers.
- (3) Where a rail replacement service cannot accommodate a passenger’s wheelchair, powered wheelchair, mobility scooter or other mobility aid, Great British Railways or the relevant passenger service operator must provide suitable accessible alternative transport.
- (4) Alternative transport provided under subsection (3) must –
 - (a) be provided without additional cost to the passenger,
 - (b) enable the passenger and their mobility aid to travel together, and
 - (c) so far as reasonably practicable, enable the passenger to complete the journey within a reasonable time.
- (5) A passenger must not be required, solely because a rail replacement service is inaccessible, to –
 - (a) abandon or leave behind a mobility aid,
 - (b) pay an additional fare or other charge,
 - (c) make an unreasonable additional journey, or
 - (d) wait for a later railway service.
- (6) Where a planned closure or engineering work is reasonably likely to require rail replacement services, the operator must publish in advance, in accessible formats –
 - (a) details of the replacement service,
 - (b) whether the service is accessible to wheelchair and mobility scooter users,

- (c) the arrangements for boarding and alighting,
 - (d) the arrangements for carrying mobility aids, and
 - (e) the arrangements for obtaining alternative accessible transport.
- (7) Where rail replacement services are required as a result of unplanned disruption, the information required by subsection (6) must be provided as soon as reasonably practicable.
- (8) The Secretary of State may by regulations prescribe minimum accessibility standards for rail replacement services.”

Member's explanatory statement

This amendment seeks to ensure that accessibility rights for disabled passengers continue when a train service is replaced by a bus, coach, taxi or other form of transport. It requires suitable accessible alternative transport where a rail replacement service cannot accommodate a passenger's wheelchair or mobility aid and prevents the passenger incurring additional cost as a result.

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause –

“Accessible disruption arrangements

- (1) Great British Railways and other passenger service operators must maintain arrangements for preserving accessibility for disabled passengers during disruption.
- (2) The arrangements must include provision for –
 - (a) accessible rail replacement services,
 - (b) accessible alternative transport,
 - (c) assistance with boarding, alighting and interchange,
 - (d) accessible information about disruption,
 - (e) notification of failures of lifts, ramps and other accessibility equipment,
 - (f) the carriage of wheelchairs, powered wheelchairs, mobility scooters and other mobility aids, and
 - (g) assistance for passengers whose planned accessible route becomes unavailable.
- (3) Where disruption causes an otherwise accessible journey to become inaccessible, Great British Railways or the relevant passenger service operator must take all reasonable steps to provide an alternative accessible journey without additional cost to the passenger.
- (4) The arrangements required by this section must form part of the operator's accessible travel policy.
- (5) The Passengers' Council must set standards concerning the arrangements required by this section.”

Member's explanatory statement

This amendment requires accessibility to be maintained during disruption to railway services and requires accessible alternatives to be provided where a passenger's planned accessible journey becomes unavailable.

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause —

“Passenger assistance

- (1) A disabled person or person with reduced mobility is entitled to reasonable assistance to enable them to make a railway journey.
- (2) Assistance under subsection (1) must, where reasonably required, include assistance —
 - (a) at station entrances and exits,
 - (b) in reaching and leaving platforms,
 - (c) with boarding and alighting,
 - (d) during interchange,
 - (e) during disruption,
 - (f) with accessible alternative transport, and
 - (g) relating to wheelchairs, mobility scooters and other mobility aids.
- (3) The provision of assistance must not be conditional upon excessive advance notice.
- (4) Great British Railways and other passenger service operators must make provision for assistance to passengers who have not made an advance booking.
- (5) Where booked assistance is not provided, the operator must provide appropriate alternative assistance and arrangements for redress.
- (6) The Passengers' Council must set standards concerning the availability, reliability and quality of passenger assistance.”

Member's explanatory statement

This amendment seeks to ensure that passenger assistance is a statutory entitlement, and requires standards for assistance during normal journeys, interchange and disruption, including for passengers who have not booked assistance in advance.

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause —

“Accessible passenger information

- (1) Great British Railways and other passenger service operators must ensure that information provided to passengers is accessible to disabled persons and persons with reduced mobility.

- (2) Information under subsection (1) must include, where relevant –
 - (a) train and platform information,
 - (b) changes to services,
 - (c) cancellations and delays,
 - (d) station accessibility,
 - (e) failures of lifts and other accessibility equipment,
 - (f) rail replacement arrangements,
 - (g) the accessibility of replacement vehicles,
 - (h) arrangements for mobility aids, and
 - (i) safety information.
- (3) Information must, so far as reasonably practicable, be provided in accessible visual, audible and digital formats.
- (4) Information about accessibility must be accurate and must be updated as soon as reasonably practicable when circumstances change.”

Member's explanatory statement

This amendment seeks to require passenger information to be provided in accessible formats and to include information relevant to disabled passengers, including station accessibility, lift failures and the accessibility of rail replacement services.

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause –

“Involvement of disabled persons in accessibility decisions

- (1) Great British Railways must establish arrangements for the involvement of disabled persons and organisations representing disabled persons in decisions concerning the accessibility of railway services and infrastructure.
- (2) The arrangements must apply to –
 - (a) the design and refurbishment of stations,
 - (b) procurement and refurbishment of rolling stock,
 - (c) development of accessibility standards,
 - (d) passenger assistance,
 - (e) rail replacement arrangements,
 - (f) the railway accessibility strategy required under section (*Railway accessibility strategy*), and
 - (g) significant changes to passenger services which may affect accessibility.
- (3) Great British Railways must publish a statement explaining how representations made under this section have been taken into account.
- (4) The Secretary of State may by regulations prescribe minimum requirements for consultation and involvement under this section.”

Member's explanatory statement

This amendment requires Great British Railways to involve disabled people and organisations representing disabled people in the design and delivery of measures affecting railway accessibility.

BARONESS GREY-THOMPSON

After Clause 58, insert the following new Clause —

“Access for all programme

- (1) The Secretary of State must establish and maintain a programme, to be known as the access for all programme, for the provision of permanent step-free access at railway stations and platforms.
- (2) The programme must identify —
 - (a) each station and platform requiring accessibility improvements,
 - (b) the works required to provide permanent step-free access,
 - (c) the anticipated timetable for completion,
 - (d) the estimated cost of each programme of works, and
 - (e) the source of funding for the works.
- (3) The Secretary of State must publish the programme and keep it under review.
- (4) The Secretary of State must report annually to Parliament on progress against the programme.
- (5) In preparing or revising the programme, the Secretary of State must consult —
 - (a) Great British Railways,
 - (b) the Passengers' Council,
 - (c) the Office of Rail and Road, and
 - (d) organisations representing disabled persons.
- (6) The programme must prioritise stations according to —
 - (a) the level of passenger demand,
 - (b) the absence of existing step-free access,
 - (c) the availability of alternative accessible routes,
 - (d) the importance of the station as an interchange,
 - (e) the needs of local disabled communities, and
 - (f) such other criteria as the Secretary of State considers appropriate.
- (7) Nothing in this section prevents the Secretary of State from providing for permanent step-free access at a station or platform before the date specified in the programme.”

Member's explanatory statement

This amendment establishes “Access for All” as a statutory programme, requiring a published station-by-station programme for permanent step-free access, annual reporting to Parliament and consultation with disabled people.

After Clause 95

BARONESS GREY-THOMPSON

After Clause 95, insert the following new Clause —

“Annual accessibility reporting duty

- (1) Within 12 months beginning on the day on which this Act is passed, and each year thereafter, Great British Railways must publish an accessibility report which includes —
 - (a) accessibility performance metrics,
 - (b) complaints concerning accessibility,
 - (c) accessibility assistance failures,
 - (d) accessibility improvement programmes,
 - (e) disabled passenger satisfaction, and
 - (f) progress against accessibility targets.
- (2) The Secretary of State must lay each accessibility report under this section before both Houses of Parliament.”

BARONESS COFFEY

After Clause 95, insert the following new Clause —

“Office of Rail Regulation

- (1) Within 12 months beginning on the day on which this Act is passed, the Secretary of State must establish a new executive agency responsible for the regulation of rail.
- (2) The executive agency must be called “the Office of Rail Regulation”.
- (3) All functions of the Office of Rail and Road relating to the regulation of rail, including those conferred in this Act, are to be transferred to the Office of Rail Regulation.
- (4) The Office for Rail Regulation is to be the single regulatory authority for the regulation of rail.”

Member's explanatory statement

This probing amendment would establish a new executive agency, the Office for Rail Regulation, responsible for the regulation of rail.

Clause 98

BARONESS GREY-THOMPSON

Clause 98, page 61, line 19, at end insert —

“(aa) regulations under section (*Passenger assistance guarantee*);”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Baroness Grey-Thompson to insert a new Clause (Passenger assistance guarantee).

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