

## Respondent Information Form and Questions

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

#### Organisation Name

Title Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

#### Surname

#### Forename

### 2. Postal Address

### 3. Permissions - I am responding as...

Individual

/ Please tick as

Group/Organisation

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

Yes, make my response and name available, but not my address

or

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*

Yes

No

# Policy Response

Capability Scotland  
20<sup>th</sup> February 2012



**Capability campaigns with, and provides education, employment and care services, to disabled people across Scotland.**

## Rail 2014 Consultation

### Summary

- i. Capability welcomes the opportunity to respond to the consultation on the procurement of rail services from 2014. We have consulted widely amongst our service users, disabled volunteers and service managers for their views on the consultation.
- ii. While we are aware that Scotrail has taken positive steps to engage with equality groups, we still have serious concerns that disabled people are not receiving an adequate level of service and that equality of access to Scotland's railways has not been achieved. These concerns relate to all aspects of the rail service, including access to information, the availability of support and assistance at railway stations and the shortage of suitable spaces for wheelchair users on trains. While we are aware that there is a huge amount of good practice we have also been informed of numerous incidents where poor service has put disabled people in undignified and potentially dangerous situations. This is clearly not acceptable and must be given serious consideration during the procurement process and subsequently when measuring the quality of service.
- iii. In making its procurement decision we would urge the Scottish Ministers to consider their obligations under the Equality Act 2010. These include duties to have due regard to the need to eliminate discrimination and advance equality of opportunity. Furthermore, the organisation(s) which provides passenger services also have duties under the Equality Act. These include the duty to make reasonable adjustments to policies, practices and procedures in order to make the service they provide accessible. We do not believe that these duties or the steps required to fulfil them are adequately reflected in the consultation document.

## **Our Response**

The majority of our concerns relate to sections three, four, five and ten of the consultation. We are therefore limiting our response to those areas.

### **Section 3 Procuring Rail Passenger Services**

In relation to procurement and performance measurement, both the Scottish Government and service providers must fulfil their duties under the Equality Act 2010. Under the General equality duty, for instance, the Scottish Ministers must have 'due regard' to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. This means that during the procurement process the Scottish Government must consider the impact of its decisions on disabled people and others with protected characteristics. This must be given consideration at all stages of procurement, including the specification of conditions, selection and award stages.

Service providers such as Scotrail also have a legal duties under the Equality Act, including the duty to make reasonable adjustments to ensure their service is accessible to disabled people. This may mean changing the way in which services are delivered, providing extra equipment and/or taking steps to remove of physical barriers. Their willingness and ability to comply with this duty and their history or compliance should be considered by the Scottish Ministers during the procurement process.

### **What are the merits of offering the ScotRail franchise as a dual focus franchise and what services should be covered by the economic rail element, and what by the social rail element?**

While we appreciate that some services do not turn a profit, all services have a social 'element' and purpose. Making a strict division between those which are economic and those which are social may therefore be counter productive. There is a need for those providing profit-making services (such as the main intercity lines) to understand and measure their achievement of these social outcomes as well as economic ones. The Scottish Government must give this adequate consideration during the procurement process. Social outcomes might include providing a high quality of service to people who need support and assistance during their journey - even where providing that support is not necessarily profitable.

### **Section 4 Achieving Reliability, Performance and Service Quality**

#### **How can we make the performance regime more aligned with passenger issues?**

We are keen to ensure that the Service Quality Incentive Regime (SQUIRE) reflects the specific needs and experiences of disabled people in relation to rail travel. As well as measuring performance in relation to areas such as toilets, timetables and train cleanliness, SQUIRES must address issues which create the most barriers to rail travel for disabled people. These include:

- poor staff attitudes towards disabled people
- the physical inaccessibility of trains and stations
- the lack of availability of materials in alternative formats
- the ability of the provider to communicate with disabled people, including those with learning difficulties and/or sensory impairments

Of particular concern to Capability's service users and volunteers is the variability of the Passenger Assistance Service. The service is invaluable to many disabled people who might otherwise be unable to use the rail network. However, the quality of the service varies greatly from one station to the next. One visually impaired person stated that,

*"My concern, which is based on a lot of train travel experience, is about the inconsistency of the Passenger Assistance Service provided by Scotrail. It ranges from excellent (eg Glasgow Queen St where staff come forward offering help to a VI customer, phone ahead reliably, respond to on the spot expressions of need and are very friendly and supportive). At the other extreme is Edinburgh Haymarket where even requests for help booked well in advance often go without response. So I am left managing alone and with the help of other passengers. I always bring the failures to the attention of barrier staff but have given up writing my complaints. Life is too short!"*

The unreliability of the Passenger Assistance Service can result in disabled people being left in difficult and potentially dangerous situations. Eddie, for instance, is a wheelchair user with communication difficulties. He had booked Passenger Assistance for his journey to Stirling to meet friends. He got on a train in Perth as arranged. However, when the train arrived in Stirling, no staff members were available to help him alight from the train (as had been arranged in advance). Eddie ended up in Glasgow Queen Street before any Scotrail staff noticed the mistake

Another wheelchair user who volunteers with Capability Scotland was heading to Glasgow on a train from Perth. The train was terminated at Stirling as a result of bad weather. The individual was given assistance from the train onto the platform. The main concourse of the station, however, was not accessible from that platform. The only available route went outside the station and involved covering steep, uneven and icy ground. Because this route went outside the station grounds, the individual was told that, for health and safety reasons, Scotrail staff could not offer him any help or assistance. Instead, he was told to make his own way. This put him in an extremely dangerous position.

It is essential that any future system used to measure the quality of service provided addresses the Passenger Assistance Scheme and its reliability.

#### **What other mechanisms could be used for assessing train and station quality?**

We strongly recommend that disabled people with a range of impairments (including physical, sensory, cognitive and learning disabilities) are employed to assess train and station quality and accessibility.

#### **Section 5 - Scottish Train Services**

##### **Can better use be made of existing train capacity? What is an acceptable limit for standing times on rail services?**

It is extremely important that any system designed to measure train capacity and overcrowding takes into consideration the needs of disabled people and others who are unable to stand for long periods of time. In particular, when considering overcrowding, it is essential to measure the number of wheelchair users who want to board a train but are unable or are prevented from doing so. Many wheelchair users have reported being left on the platform because there was already a wheelchair user on the train (and therefore no space for them) or because the train was so crowded there was no way for them to get to the designated 'wheelchair area'.

Overcrowding is a major issue for disabled people who are not wheelchair users. Not being able to sit down or to use the toilet as a result of overcrowding can be uncomfortable and undignified for people with a range of medical conditions and / or disabilities. One man told us that, due to his health condition, he had to urinate in the space between two train carriages. One of the train's toilets was out of order and the other couldn't be reached because of overcrowding. The man told us that his poor balance and lack of strength meant he couldn't push through the crowds to reach the other toilet in time. He found this to be demeaning and upsetting.

Another woman with limited mobility told us;

*"We were booked on the 17.16 from Aberdeen to Inverness and the amount of people far outstripped the seating and any safety guideline were well and truly breached. No-one could move and the aisles were so crowded from Aberdeen to Forres no conductor's or train officials were able to pass! It was ridiculous. Thank goodness there were no wheelchairs or prams on the train as they would have been trapped. If there had been an accident or any form of emergency there would have been nothing any one could have done. There was clearly no thought given to any disabled, elderly or pregnant passengers ability to complete the journey."*

#### **Section 10: Passenger comfort, security and information: How can the provision of travel information for passengers be further improved?**

People with a wide range of disability struggle to obtain accurate and timely information about rail travel and, in particular, the Passenger Assistance Scheme. Capability service users made the following comments.

*"There seems to be no way for me to book support in advance. I'm just going round in circles and I can't get the information. The website told me to phone a number to book assistance. When I phoned up they told me I had to do it online. In the end I just didn't bother going."*

Another told us;

*"One big problem for me now is that instead of booking my ticket and assistance at Elgin, I have to book my ticket, then come home and phone Fort William and arrange my assistance as the new equipment for this has not yet been installed at Elgin."*

One individual had had difficulty contacting his station to book Passenger Assistance in the past. However, he found that for the service he usually boarded at Dundee station there was generally no need to give advanced notice. Staff were always available and willing to assist. However, on one occasion the individual arrived at the station and the staff were extremely unpleasant, telling him they wouldn't help him because he needed to learn to book in advance.

It is essential that there is clear and reliable information available to all, particularly in relation to the passenger assistance scheme. All staff should also be adequately trained in disability awareness and effective communication.

## **About Us**

Capability Scotland campaigns with, and provides education, employment and care services for, disabled people across Scotland. The organisation aims to be a major ally in supporting disabled people to achieve full equality and to have choice and control of their lives by 2020.

More information about Capability can be found at [www.capability-scotland.org.uk](http://www.capability-scotland.org.uk).

## **Contact Us**

Thank you for the opportunity to comment on this consultation. If you require more information on this response, please contact:

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