

SUGGESTED MACS RESPONSE TO THE DPTAC CONSULTATION
QUESTIONNAIRE

PART 1	INFORMATION ABOUT US
Name	Mobility and Access Committee for Scotland
Address	PVS, MACS and Mobility Team, Transport Scotland, Area 2-D North, Victoria Quay, EDINBURGH,
Postcode	EH6 6QQ
Email	MACS@scotland.gsi.gov.uk
Organisation	Mobility and Access Committee for Scotland
Other	Organisation established to advice Scottish Ministers on aspects of policy affecting the travel needs of disabled people. We obtained the views of our Members by discussion and by e-mail circulation. In doing so, we considered the issues raised by this Consultation with reference to the MACS Framework for Equality whose purpose is to help ensure that MACS takes a systematic and effective approach to accessibility advice for transport services and infrastructure for disabled travellers in Scotland.
Confidentiality	Is not sought for this Response
PART II	
QUESTION NUMBER	COMMENT
1 Do you agree with the assumptions made in the Draft Impact Assessment?	No. The Draft Impact Assessment is a very disappointing document. The recent London Paralympic Games have given a remarkable demonstration of just how much of a contribution to society disabled people can make-provided they are given the necessary and appropriate support. This has included the provision of appropriate infrastructure to facilitate movement to and from the Olympic venues and within venues. The ramped podium for the medal winners is a very obvious example of this. We note that the role of DPTAC in securing more accessible

	<p>Olympic and Paralympic Games is acknowledged in the consultation and we see the successor body to DPTAC as vital in ensuring that the legacy of these Games is not only sustained but further developed and not just in London but throughout the country. With this in mind, we note that there are no detailed costs given for any of the six Options stated. We also note that Options 1 to 5 all rely on voluntary contributions. It is unclear how people can be expected to participate when they are not being reimbursed for participating. It means a heavy reliance on people and/or organisations that are prepared to absorb the cost of the time given. It means that there is a risk of biased advice from lobby groups and it discriminates against members who would have to travel further to meetings, as they would be giving the greatest time commitment. In this respect it has to be borne in mind that travelling by disabled people usually takes longer as they may need special assistance or take a longer route.</p> <p>Policy option 3 is expected to incur consultancy costs but no attempt has been made to quantify these. Policy option 4 is stated to have cost benefits but again it is not clear how these arise. It is thought that the cost of a panel of experts is likely to be high. Policy option 5 is stated to have cost benefits but if the Department has to establish stakeholder groups and consult them costs are inevitable and some disability groups may not be represented on the stakeholder group consulted on a particular issue. Policy option 6 is stated to have higher running costs than DPTAC. To complicate matters further, the Policy Options in the Draft Impact Assessment are described and numbered differently from those in the Consultation Document itself thus confusing the reader and confirming</p>
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	<p>the impression that the Draft Impact Assessment has not been updated to take account of the Consultation Document itself. The Draft Impact Assessment appears to be out of date thus further reducing its value.</p> <p>A major weakness of the impact assessment is that comparisons are made with the budgeted costs of running DPTAC and not with the much lower actual running costs of DPTAC. The fact that the running costs are much lower than the budgeted costs, as can be seen by looking at the information contained on page 13 of the DPTAC Report for the period from 2009/11 which is available in the Annual Report section of the DPTAC website.</p> <p>The Equality Impact Assessment assumes that there are no implications for disabled people resulting from the proposed abolition of DPTAC.</p> <p>DPTAC is a disability- led organisation with a majority of disabled members. Its abolition is bound to have a negative impact on the transport needs of disabled people unless it is replaced by another disability-led body with a majority of disabled members. Equality duties place emphasis on the need to pay due regard to the needs of protected groups. Even with the improvements brought about since the original Disability Discrimination Act was passed in 1995 the nature of the discrimination and barriers experienced by disabled people to access work, leisure, recreational and educational opportunities through travel still requires a higher level of statutory participation in advising on legislative frameworks, policy and guidance.</p> <p>Further, the statement that DPTAC</p>
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	<p>has four working groups is out of date because we understand these groups ceased to function on 31 December 2010 since when DPTAC members have sometimes met as a single working group.</p> <p>Finally, and by no means least there is no consideration given to the wider needs and strategic impact on Scottish stakeholders where reserved powers have a fairly major impact on travel, legislative frameworks and policy and the needs of travellers between Scotland and the rest of the UK. This will also have an influence on the effectiveness of MACS advice to Scottish Ministers and to Scottish stakeholders generally if the successor arrangements are not fit for purpose.</p>
<p>2 Which option in your opinion provides more flexibility over working arrangements and appointments and please could you state your reasoning?</p>	<p>All the options have the potential to offer flexibility in working relationships. However, much more important is the role given to the chosen option and the ability of that option to achieve outcomes in terms of helping to deliver a countrywide transport system which is fully accessible to disabled people. An organisation which is very flexible but incapable of giving relevant and timely advice to Ministers would be of little value.</p> <p>The MACS model is an option, which could also be considered. MACS currently has 12 members (including a Convenor) and meets formally four times a year but there are lead members on various transport issues who, in consultation with other members, are expected to and do react to issues as they arise. The members are appointed by the Scottish Ministers and the priorities for the coming year are agreed in a two way process. Most of the output is achieved by e-mail and by phone. Members are paid travel expenses plus a nominal fee for</p>

	meetings attended. The Secretariat is small and shared with other groups within Transport Scotland.
3 which option in your opinion provides the most accountability to Ministers and please could you state your reasoning?	Again accountability depends on how an organisation operates in practice. DPTAC has a statutory duty to consider any matter referred to it by Ministers so Ministers already have the power to hold DPTAC accountable by asking them to consider a matter and report back to Ministers within a particular timescale. It would be of no value to Ministers to establish a body which was accountable to them and then find that the body was useless at helping to deliver an accessible transport system. Accountability needs to be assessed in terms of the policy objective of achieving equality for disabled people.
4 In your opinion how important is it that the option chosen is able to provide advice that is representative of all disabilities and disabled groups? Please state your reasoning and provide examples of the implications on disability issues of advice not being representative?	<p>It is essential that advice should be representative of all disabilities and disabled groups. We believe that one of the strengths of DPTAC was that members were not appointed to represent any particular disability organisation or group but were expected to bring wide knowledge and expertise to the table.</p> <p>There are a large number of mobility, visual, hearing and cognitive impairments and wide variations within these. Consideration of the range of classifications in the Paralympics provides an obvious confirmation of this fact. If the persons giving advice are not sufficiently representative of a broad range of disabilities there is a risk that the advice given may overlook the needs of particular groups reducing its value to Ministers. For example, the needs of deaf people, mobility impaired people, people with a cognitive impairment, partially sighted people and people in wheelchairs are very different and these needs have to be recognized in some form to secure a balanced viewpoint- bearing in mind that one</p>

	<p>person may have knowledge and experience of more than one disability. It is important that Ministers receive balanced advice and not advice which is dependent on one particular viewpoint. The overall objectives of improving accessibility, reducing the barriers disabled people face and of obtaining equality for them need to be borne in mind.</p>
<p>5. In your opinion how important is it that the option is able to provide advice on technical matters? Please state your reasoning and provide examples of the implications of advice on disability issues of not providing advice on technical matters?</p>	<p>It is important that the advice should include technical matters. One of the strengths of DPTAC in the past has been the fact that its membership included both disabled transport users and the people responsible for service delivery in both the public and private sectors. The advice given to Ministers was therefore tempered by a very real knowledge of the practicalities. Having members of a Committee with this transport expertise greatly reduces the need to seek outside advice on technical matters. It is known that DPTAC members have, for example, been able to give much detailed advice on bus design and operations and on rail vehicle accessibility. DPTAC was also instrumental in securing reviews of the Blue Badge scheme and in coming up with very practical advice on the best way forward in terms of eligibility, administration and enforcement. Any option which was unable to give such practical technical advice would mean Ministers having to seek outside advice on these matters leading to the possible need for further referral and the risk of delay and increased costs.</p>
<p>6 In your opinion, how important is it that the option is able to provide cross-government advice on transport disability issues bringing together impacts on health, social care etc.? Please state your reasoning and provide examples of the implications on disability issues of not providing cross-government advice?</p>	<p>The relationship between transport and health and social care for disabled people and health and social care for disabled people is well known and demonstrated in household surveys and other official government statistics. The Blue Badge Scheme is an example where there is a very direct link between government departments</p>

	<p>in terms of assessing eligibility. The ability of disabled people to access health and social care is also dependent on the nature and quality of transport services and infrastructure – particularly outside the major urban areas and it is essential that decisions relating to health or social care are taken in cognizance of the transport implications and vice versa.</p> <p>Equality 2025 has a major input into independent living where overlaps with a transport agenda are fairly critical. It is therefore imperative that whichever option is chosen that these linkages are recognized in the strategic and business planning processes.</p>
<p>7 Do you agree with the benefits and costs presented in the Impact Assessment for each of the options? Are there any other benefits, costs and risks that we need to consider? Please state your reasoning and provide supporting evidence.</p>	<p>No, See the Answer to Question 1 above. As previously stated the value of the Impact Assessment is greatly reduced by the fact that the Options contained therein are described and numbered differently from those contained in the Consultation Document thus confusing the reader as to what Options are being considered. On page 9 of the Consultation Document it is stated that the proportion of disabled people experiencing difficulty with public transport only declined from 25 per cent to 22 per cent between 2005 and 2009. Such a slow rate of improvement suggests that there is a serious risk that the transport system will not be made fully accessible by 2020 and emphasizes the importance of a further push for delivery to achieve an accessible transport system for disabled people. There is much more to transport than public transport. . Other modes of travel such as on foot or bicycle need to be more fully recognized. Many people also continue to rely on the private car for their mobility as witnessed by the increasing numbers of Blue Badges in issue.</p>

	<p>The Draft impact assessment needs to be re-written, Much further work needs to be done particularly with regard to the likely costs of the various options. As previously stated the fact that the Budgeted Costs of DPTAC have been used rather than the much lower actual running costs is a serious weakness in the Impact Assessment.</p> <p>There are other inconsistencies in the Impact Assessment such as the suggestion on page 52 of the consultation that with Option 6 there would be a cost associated with hiring premises for meetings. This does not square with the comment on page 47 that with the current DPTAC there are no costs associated with hiring premises as meetings are held at the Department for Transport premises.</p> <p>The claim made in paragraph 5.1.4 of the draft Explanatory Memorandum that the abolition of DPTAC would represent a saving of £500,000 is clearly incorrect as the actual running costs of DPTAC in 2012/13 are much lower than the Budgeted costs for 2012/13 quoted in the Consultation Document.</p> <p>We also read on page 48 that the cost of a two person Secretariat to run DPTAC would be “around £70,000 per year” yet on page 49 we read that the option of establishing a stakeholder forum would also require a Secretariat of two people but this would only cost £35,000 per year. The same lower cost of £35,000 a year for a Secretariat of two also seems to apply to the other options. Such discrepancies are at best, serious mistakes in accounting terms and at worst willfully misleading.</p>
<p>8 Considering your responses to above, what in your view is the best option/combination of options?</p>	<p>Much depends on the remit for whichever option is chosen. Options 1 to 5 are all basically ad hoc in nature</p>

	<p>and they are essentially reactive. There is no doubt that, to varying degrees, they would be able to give advice to Ministers regarding proposals originating from Government. However being ad hoc with no set number of meetings or mode of operation, the costs would be very difficult to predict or control. The strength of the statutory DPTAC model is that it is also able to be proactive and therefore able to give advice on areas where the Government might wish to consider action. As the Easy Read version of the Consultation so succinctly states "Statutory Body= an organisation that helps to make and change laws. DPTAC also operates to a fixed budget.</p> <p>We would therefore urge the establishment of an organisation which has the backing of statute but where it is required to agree with Government its annual programme and priorities and the number of physical meetings. This would give the accountability which Ministers are seeking and keep costs in check while still allowing for the desired flexibility. A body with a membership of at least 12 people would seem to be required. A majority of disabled people in the membership would give it credibility with organisations representing disabled people but the representation should also include people with practical knowledge of transport service delivery both in the public and private sectors (including highways departments, bus operators and rail operators) operating under an independent Chair. It would be appropriate to give the organisation a name to reflect that it would deal with the full range of mobility needs of disabled people covering all modes of transport and the associated physical infrastructure. Finally it has to be</p>
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	<p>borne in mind that certain aspects of transport planning and service provision are not devolved and therefore there needs to be representation from the devolved administration areas.</p>
<p>9Are there any other options that we need to consider? Please explain these in detail, including providing information on the benefits, costs and risks of the option. Please provide supporting evidence.</p>	<p>It is important that whatever Option is chosen by Ministers is disability led, representative of a wide range of disabilities, has other people such as transport experts and operators on it. It should be able to give timely and relevant advice to Ministers and make an effective contribution to making the transport system of the United Kingdom accessible. Achieving an accessible transport system is an essential component of achieving equality for disabled people.</p> <p>We have suggested in response to Question 2 above, that the MACS model is an option which could also be considered. MACS currently has 12 members (including a Convenor) and meets formally 4 times a year. The members include people with various disabilities but also with a very practical knowledge of the issues relating to service providers. There are lead members on various transport issues who, in consultation with other members are expected to and do react to issues as they arise. The members are appointed by the Scottish Ministers and the priorities for the coming year are agreed in a two-way process. Most of the output is achieved by e-mail and by phone. Members are paid expenses plus a nominal fee only for Meetings actually attended. The secretariat is small and shared with other grounds within Transport Scotland such as Passengers View Scotland.</p>
<p>10. Do you think that DPTAC should be abolished?</p>	<p>As indicated in our Response to Question1, the recent London Paralympic Games have given a remarkable demonstration of just how much of a contribution to society</p>

	<p>disabled people can make provided they are given the necessary and appropriate support. DPTAC played an important role in securing more accessible Olympic and Paralympic Games and this is acknowledged in the Consultation.</p> <p>We see the successor body to DPTAC as being vital in ensuring that the legacy of these games is not only sustained but further developed and not just in London but throughout the country. It is therefore not an issue of abolishing DPTAC but of reviewing the nature and focus of DPTAC and ensuring that the successor body operating under a new name is able to deliver appropriate and timely advice to Ministers on how to promote the transport needs of disabled people.</p>
Additional comment	<p>MACS believes that it is essential that whatever body exists at the end of this Review should function on a United Kingdom wide basis because of the number of cross-border transport issues and non-devolved issues. MACS believes that such a Committee needs to have representatives from throughout the United Kingdom and not be composed simply by people based in London. MACS has had a close and effective working relationship with DPTAC under an agreed Memorandum of Understanding. We would expect to maintain this close working relationship with the successor body with Scottish representation on the body.</p>

06/09/12