

# Rights and Duties

Train the Trainer  
Rail Modules



# Rights and Duties

This module is for **rail operator directors, managers** and **staff**. It can be used alone or as part of a broader package of training.

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Suggested timings are given below. Depending on delivery and delegate numbers, the content in this module could be delivered in 50–70 minutes.

# Learning Objectives



Understanding rights and duties  
affecting rail travel

# Guidance to Accompany Slides

# Legal and Regulatory Framework

**Suggested timings:** 5 minutes

**Purpose:** To **summarise the legal and regulatory framework** for rail operators under UK and European law.

Explain that rail services are covered by both UK and European law.

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Explain that these slides list all the relevant laws and regulations and that you will focus on the Equality Act 2010 in the session.

# Equality Act 2010

**Suggested timings:** 5 minutes

**Purpose:** To **explain coverage of the Equality Act 2010.**

The Equality Act 2010 covers England, Scotland and Wales. There are similar provisions in separate legislation active in Northern Ireland.

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This section of the training is to help delegates understand what the law says, and how it might apply to their organisation.

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Part 3 of the Equality Act 2010 makes it unlawful for service providers or public authorities to discriminate against a service user on the basis of a protected characteristic. This part applies whether the service is being provided by the public sector or privately, and whether that service is for payment or otherwise.

.....

Service providers have a legal obligation under Section 29 of the Equality Act 2010 not to discriminate against people on the basis of a protected characteristic. This includes by refusing to provide them with a service, by terminating a service provided to them, by not providing them with the service in the manner or on the terms that are usually offered to the public, or subjecting them to any other detriment concerning the service provided.

For people who meet the definition of disability within the Equality Act 2010, there is an additional duty on service providers to make 'reasonable adjustments'. This applies where a provision, criterion or practice puts a person with a disability at a substantial disadvantage compared with a person who is not disabled.

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It also applies where a physical feature puts a disabled person at a substantial disadvantage in comparison with a person who is not disabled.

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Finally, it applies where a disabled person would be at a substantial disadvantage in comparison with a person who is not disabled if an auxiliary aid is not provided, to take reasonable steps to provide the auxiliary aid.

# Equality Act 2010

## Protected Characteristics

**Suggested timings:** 5 minutes

**Purpose:** To **set the disability provisions** within the Equality Act 2010 within the context of all nine protected characteristics.

The Equality Act 2010 identifies nine protected characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In the next part of the session, we will consider in detail the definition of who is disabled in the Equality Act 2010.



# Equality Act 2010

## Definition of Disability

**Suggested timings:** 10–15 minutes

**Purpose:** To **ensure delegates understand the legal definition of disability** and how it may differ from their own perceptions of who is disabled and what disability is.

Explain that the first quote is all that the Equality Act 2010 includes to define who is disabled for the purposes of the Equality Act 2010 but that there is substantial guidance and case law about its interpretation. The train the trainer note in the core module **What is Disability?** provides further context.

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Guidance explains that ‘substantial’ means ‘more than minor or trivial’ and that ‘long-term’ means that it has lasted or is likely to last more than 12 months. You will find that the presentation and accompanying notes on **What is Disability?** give plenty of further detail to enable you to explore the breadth of the definition of disability and the numbers of people covered. In Britain, around 1 in 5 of the population is estimated to have the protection of the Equality Act 2010 from disability discrimination.

## Continued

**Suggested timings:** 5 minutes

**Purpose:** To **summarise the key duties in the Equality**

**Act 2010.** Train and station operators must avoid discriminating against people who meet the definition of disability in the Equality Act 2010.

### **Examples of discrimination include:**

- .....
- Refusing or terminating a service on the grounds of a passenger's disability

### **Ways to help avoid discrimination include:**

- .....
- Ensuring that no policies, practices or procedures disadvantage disabled people, unless this is a proportionate way of reaching a legitimate aim (for example, keeping employees and passengers safe)
- .....
- Providing 'reasonable adjustments' to enable access to services for disabled people facing a substantial barrier

# Examples of Reasonable Adjustments

**Suggested timings:** 10 minutes

**Purpose:** To **explain and enable discussion** on examples of reasonable adjustments relevant to train travel, and gain practice in interacting with passengers and providing practical assistance.

Encourage delegates to suggest other adjustments.

# What changes are 'reasonable'?

**Suggested timings:** 5 minutes

**Purpose:** To **explain and enable discussion** on the key concept of reasonable adjustments in the Equality Act 2010.

You may like to say: 'The test of what is a reasonable adjustment is by its nature a subjective one and whether an adjustment is reasonable depends on all the circumstances including... [read the text on the slide].'

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Reasonable adjustments under Part 3 of the Equality Act 2010 are owed to the public at large. This means that any organisation that provides services to the public has to consider and take action to remove disability-related barriers in anticipation of use by disabled people.

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Service providers also have to make any further adjustments that are reasonable for individuals that would otherwise face a substantial disability-related barrier.

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Reading someone's ticket aloud, helping with shopping or luggage and offering a hand or arm to help someone who may be unsteady or just giving directions are all adjustments too.

Open a discussion on compliance with the provisions of the Equality Act 2010. Ask participants to think about particular areas of legal risk. What changes could or should be made?

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Remind delegates that the onus is on the operator to ensure that they comply with the Equality Act 2010. Failing to do so could make them liable to civil court proceedings, with financial and reputational consequences.

# REAL

**Suggested timings:** 5–20 minutes

**Purpose:** Depending on the time available, use this slide to **summarise key messages**, and remind people about the Respect, Empathise, Ask, Listen theme of the training.

You can use the train the trainer notes on REAL here and/or in other sections of the training.



REAL

Respect

REAL

Empathise

REAL

Ask

REAL

Listen

**REAL** Passenger **REAL** Person



Department  
for Transport