



# Equality Impact Assessment for the exemption of rail replacement coaches from the Public Service Vehicles (Accessible Information) Regulations 2023 (“AIR”)

## Section 1: Summary and relevance to the Public Sector Equality Duty

### Summary

1. The Public Service Vehicles (Accessible Information) Regulations 2023 (“AIR”) require the provision of audible and visible (AV) information on board local bus and coach services in Great Britain. The requirements under AIR begin a phased implementation in October 2024. The Department has been advised by the Rail Delivery Group (RDG) and bus and coach representative bodies, with supporting, albeit limited, evidence that there is expected to be a low rate of compliance within the rail replacement (“RR”) coach sector which, if left unmitigated, could affect the provision of accessible transport during periods of railway disruption. Following initial consideration of the matter, including equalities impacts, Ministers at the Department for Transport have agreed to the development of an exemption regime to address this issue. Subject to final agreement by ministers, following consultation with Scottish and Welsh Devolved Administrations, the regime would exempt specific, named operators of RR services from AIR until 31 July 2026 to enable services to continue operating and prevent disruption for railway passengers.
2. As part of the development of the recommendation to pursue an exemption regime, the Department has considered the impact of several potential options, including the preferred approach, on people with the nine statutory protected characteristics, consistent with the Public Sector Equality Duty (“PSED”). This Equality Impact Assessment (“EIA”) serves as a summary of the regard paid to PSED.

### Introduction

3. The AIR came into force in October 2023, and by October 2026<sup>1</sup> will require the majority of local bus and coach services in Great Britain to incorporate provision of AV route and location announcements, with a view to supporting disabled people and other passengers to use respective services with confidence. The AIR apply to vehicles adapted to carry over sixteen passengers when they are being used to provide local services in Great Britain. They specify the information that must be provided, parameters for its timing and content, and standards that it must meet. They apply iteratively between October 2024 and 2031

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<sup>1</sup> Vehicles which were “partially compliant” on 30<sup>th</sup> September 2023 have until 2031 to comply. All other in-scope vehicles must comply by the 1<sup>st</sup> October 2024, 2025 or 2026 depending upon when they were first used on local services.



depending upon when the vehicles were first used on local services and the extent to which they were already providing AV information when the AIR took effect.

4. Since they were made, the Department has become aware of several issues affecting the implementation of the AIR, and the provision of services subject to them. The most significant are:
  - a) A shortage of compliant vehicles to provide RR services, putting at risk the rail industry's ability to provide these services; and
  - b) A labour shortage constraining suppliers' ability to install equipment on vehicles within statutory timescales.
5. This EIA principally concerns the first of these issues, and the associated mitigations, whilst the supply constraints are relevant to the consideration, given they affect the extent to which the provision of AV information could reasonably increase in the immediate future in the absence of any action.

### **The issue**

6. RR services are provided when railway lines are closed either for planned engineering work (often referred to as "blockades") or in response to unplanned emergencies. Approximately 65% of those services are provided using coaches, which are targeted at longer-distance routes. Services are arranged by individual Train Operating Companies ("TOCs") through RR procurement agencies who, in turn, contract with individual bus and coach operators to supply vehicles and drivers when required.
7. There is no specific exemption in the AIR for RR services meaning that where they meet the statutory definition of a "local service" at Section 2 of the Transport Act 1985 and are not covered by another relevant exemption, such as for long-distance services, they will be subject to the AIR and must comply with them in full by the respective implementation deadlines. In practice some RR services may be out of scope of the AIR, including:
  - a. Services where the combined length of "non-local service" sections of route is greater than the combined length of "local service" sections of route – which is most likely to be true for RR services operating on intercity routes, such as the East or West Coast Mainlines; and
  - b. Emergency services.
8. It should be noted that there is no single accepted interpretation of an "emergency" in the context of local services, and that such interpretation is ultimately a matter for the Traffic Commissioners when considering alleged regulatory breaches.



9. It is likely that all other models of RR service will need to comply.
10. The RDG has advised the Department that operators of RR services have indicated that there is currently a very low rate of AIR compliance within the market for RR coaches and that this is unlikely to change in future. The data available to the Department is limited, but based on estimates by the RDG, it suggests that such work represents a small (~7%) proportion of average revenue for relevant operators who they believe would withdraw from providing RR services rather than incur the upfront and ongoing costs of compliance. In surveys conducted by the RDG and bus and coach representative bodies, it has also been stated that complexities in providing accessible information on-board RR services, including the setting of routes on on-board systems and the current lack of railway station bus stop data within the National Passenger Transport Access Nodes (“NAPTAN”) database could make operators reluctant to provide the required information. Where operators are willing to comply with the AIR, in order to continue providing RR services, AV equipment installation capacity constraints may prevent them from becoming compliant, where required, by the 1 October 2024 deadline.
11. The RDG has stated that without exemptions from the AIR for vehicles providing RR services there is a high risk of either operators switching to the use of older, potentially less accessible vehicles as these would not come into scope of the AIR as quickly, or in a worst-case scenario, a lack of available vehicles leading to the issuing of “Do Not Travel” (“DNT”) notices from approximately September 2024. This worst-case scenario could effectively prevent rail passengers from travelling on affected routes during planned blockades. An RDG survey of approximately 250 RR operators estimated that ~1,800 coaches are currently available for RR services, with operators saying that they already find it difficult to source enough coaches at peak times. The RDG has indicated that it is likely that a significant proportion of the ~700 vehicles that first come into scope of AIR (those first used on a local service after 1 October 2019) will not be compliant with AIR, and thus unable to operate from 1 October 2024. The RDG believes this could lead to a significant risk of disruption.
12. The Department has engaged with the main bus and coach trade bodies, seeking their view on the issues raised by the RDG. The Department does not routinely collect data on the nature of coach transport in Great Britain, including RR services, and has therefore been required to draw upon limited data collected directly from trade association members, where participants may be self-selecting, and represent a small, and potentially unrepresentative segment of the industry. Whilst the data the Department has had access to may not definitively support the conclusions reached by the RDG, neither does it provide a reliable counterfactual. On the basis that this is the strongest data that the Department has access to, analysis has focused on interrogating the RDG findings, particularly on the extent to which a reduced supply of vehicles may notably affect RR services from October 2024 onwards. This includes analysis of periods of peak RR demand such as Christmas and Easter, and how this is affected by the balance of vehicles that are compliant and non-



compliant with the Public Service Vehicles Accessibility Regulations 2000 (“PSVAR”), which concerns the physical accessibility of public service vehicles.

13. According to the ORR’s Annual Rail Consumer Report 2023 to 2024, the data they receive from operators suggests that nearly all current rail replacement vehicles either met accessibility standards or have an exemption from the Secretary of State. For passengers, this means that 95% of rail replacement vehicles met accessibility standards. This is a small rise from 94% in 2022 to 2023 and primarily reflects improved provision of rail replacement for unplanned disruption, where 95% of vehicles met accessibility standards this year compared to 90% last year.
14. Making up the shortfall in vehicles which are either AIR compliant or which do not need to comply in 2024, could result in the industry drawing on older vehicles which may not be compliant with PSVAR. This is because there is a pool of vehicles that were first used on a local service before 1 October 2019 that have Medium-Term Exemptions (“MTEs”) from PSVAR. MTEs were offered to eligible operators of RR and home-to-school coaches until the 31 July 2026 to run these services while operators became compliant with PSVAR. Given that PSVAR sets minimum standards for the buses and coaches that fall under its scope, vehicles that have MTEs may not reach the same accessibility standards of vehicles that are compliant with PSVAR and which do not require an MTE to operate while they become compliant. If operators draw on this pool of vehicles, assuming that there would be sufficient numbers to maintain RR services, with MTEs it could result in a reduction in the proportion of RR services provided using PSVAR compliant vehicles and, therefore, potentially less accessible vehicles. This might lead to disabled people then having to choose to travel on alternative transport, such as taxis or private hire vehicles. Ultimately, the Department’s aim is to support disabled people to travel safely, confidently and with dignity, and there is a reasonable risk that the issues identified may result, in the current circumstances with an apparent limited supply of compliant vehicles, in a reduction in overall accessibility, without significant increases in AIR compliance.
15. Given these uncertainties, which are exacerbated by an absence of immediately available extensive data, the Department considers that there is a need to take precautionary action and mitigate the risk of railway passengers being prevented from travelling during periods of planned disruption (understanding that the railway industry believes RR services provided during periods of unplanned disruption to not constitute “local services” and so are outside the scope of AIR). The market failure that AIR is intended to rectify (the lack of provision of on-board route and destination information on vehicles across local bus and coach service networks, potentially preventing disabled passengers from traveling confidently) is as present within the RR sector as it is in other relevant sectors. However, the Department considers that the disadvantage that all railway passengers (including disabled travellers) could experience because of disruption to services is greater than the disadvantage experienced by disabled passengers travelling on vehicles that do not incorporate AV



information to the technical standards of AIR. Further, given that some disabled people are less likely to have access to private transport than non-disabled people the impact of disruption could be disproportionately greater for them.

## Response options

16. The Department has considered a range of options for responding to this issue, as follows:

### 17. Do nothing.

- a. **Summary:** The Department would take no specific action in response to concerns about the availability of RR transport but would develop mitigation measures that could be implemented if the issues highlighted begin to materialise. This would be a higher-risk approach as TOCs could resort either to the use of a higher proportion of older, potentially less accessible, vehicles, or to the issuing of DNT notices. The use of some less accessible vehicles could result in a less consistent service for some disabled passengers, who could not be certain about the level of accessibility they might be able to expect on a RR service. The issuing of DNT notices could have a consequential impact on the ability of rail passengers, including disabled rail passengers, to travel during peak periods of planned disruption, during October and November, at least, depending upon when “emergency” exemptions could be put in place. Doing nothing is also unlikely to change the wider issue reported, in that operators who are unwilling to comply with AIR would likely remain so, and any that changed their mind would not have equipment fitted for several months due to the supply chain constraints.
- b. **Equality Impacts:** The Department is treating the “do nothing” option as the baseline for consideration of other options. It would have a high risk of creating negative impacts for affected passengers – including disabled and older people - by encouraging the use of less accessible vehicles and increasing the chance of DNT notices being issued, leaving passengers who are particularly reliant on public transport services with reduced options to reach their destination. Further, whilst this option would emphasise the Department’s expectation of AIR compliance it would not prevent operators from withdrawing from the RR sector, and nor would it increase the pace of compliance, meaning that disabled and older people would need to continue waiting to benefit from improved information provision on-board affected services. The Department does not consider that people with the other seven protected characteristics would be affected disproportionately by this option.

### 18. Reliance on proportionate enforcement.

- a. **Summary:** Similar to “do nothing” the Department would not implement any exemption schemes, but rather, would rely on the Driver and Vehicle Standards



Agency (DVSA) taking a proportionate approach to enforcement. This approach is similar to that deployed for the Bus Open Data Service (BODS), with operators asked to declare their compliance, and where they are non-compliant due to equipment supply issues an action plan would be agreed with them to achieve compliance. Such an approach may be effective in scenarios where the majority of operators will eventually seek to comply, but it is unlikely to prevent operators from withdrawing from the market to avoid compliance completely, and so might not be effective in safeguarding RR provision. A promise not to enforce immediately may also give operators insufficient confidence to provide services non-compliantly in the interim, compared to an exemption regime. The RDG has advised that concerns about the risk of legal challenge would likely result in RR operators not providing coaches, even if enforcement were relaxed, once again resulting in DNTs or vehicles not being supplied on the day.

- b. **Equality Impacts:** Disabled people and older people may be the groups most likely to be affected by this option due to the extent to which AIR is intended to improve accessibility. Compared to the “do nothing” option the Department considers that there is a similar risk of affected passengers facing disadvantage from disruption, with this potentially having a greater immediate impact on disabled people. Whilst it might be considered that relying on proportionate enforcement rather than exemptions supports equality of opportunity by helping more disabled people to use local bus and coach services, it may not increase provision compared to the “do nothing” option and could still reduce travel options on account of disruption. The Department does not consider that people with the other seven protected characteristics would be affected disproportionately by this option.

19. The Department has therefore considered two broad options for providing exemptions to AIR: exempting individual RR services or exempting vehicles of individual providers that are used for RR services.

## 20. Exempting individual RR services.

- a. **Summary:** An exemption regime would be introduced under s181B (3)(c) of the Equality Act 2010<sup>2</sup> to exempt specific RR services. The Department currently does not know how many individual services or vehicles such exemptions would involve, but the gathering of related data would support the Department to build a clearer understanding of such aspects over time. This approach would balance the need of the industry for assurance on their ability to draw from the non-compliant RR fleet where required, whilst applying exemptions in a proportionate, time-limited manner, aligned closely with the industry’s ability to comply with the

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<sup>2</sup> [Equality Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk)



Regulations. That said, there is a risk either of the rail industry under-estimating the number of non-compliant vehicles required and subsequently needing to seek further last-minute exemptions to avoid the issuing of DNT notices or defaulting to requesting exemption for every service anticipated. It is likely that this would therefore provide inadequate assurance to RR providers and create a significant administrative burden for all affected parties.

- b. **Equality Impacts:** Disabled people and older people may be the groups most likely to be affected by this option due to the extent to which AIR is intended to improve accessibility. Compared to the “do nothing” option, the Department considers that any additional negative impacts on these groups may be negligible and justified by the policy aims of safeguarding essential transport services for everyone who relies upon them. In supporting RR services, the Department also considers that this option may be generally effective in improving equality of opportunity, though potentially less so than the preferred option, given the increased risk of the need for non-compliant vehicles not being anticipated accurately. The Department does not consider that people with the other seven protected characteristics would be affected disproportionately by this option.

## 21. Exempting vehicles of individual providers which are used for RR services.

- a. **Summary:** An exemption regime would be introduced under s181B (3)(b) of the Equality Act 2010 to exempt vehicles operated by specific operators, with the condition that those vehicles are being used to provide RR services, with exemptions lasting until 31 July 2026 for consistency with MTEs from the PSVAR. Exemptions would be supported by agreements with the rail industry so that AIR compliant vehicles are used in preference to non-compliant ones, and that a minimum level of information is provided to passengers, albeit with operators given additional flexibility to determine how such information is conveyed. Since existing data could be used to identify many of the operators concerned and most would be exempted through a single exemption this option may likely incur a reduced administrative burden for the Department, TOCs, and coach operators compared to granting exemptions by service. It could also reduce the risk of insufficient services being covered and DNT notices being issued consequently. There is a risk that, as a relatively blunt instrument, the approach might result in operators being exempted where their fleets were equipped to comply with AIR and would exempt vehicles regardless of the alignment between vehicle demand and the supply of compliant coaches. It may be possible to mitigate these aspects over time by amending the exemption instrument informed by our growing understanding of operators’ response to them. This option is likely to be the most successful in reducing or eliminating the risk of DNT notices being issued, and therefore of disrupting the travel of rail passengers, and it is the Department’s preferred option for taking forward.



- b. Equality Impacts: A record of the Department's consideration of the impacts of this policy are provided below. In summary, disabled people and older people may be the groups most likely to be affected by this option due to the extent to which AIR is intended to improve accessibility. Compared to the "do nothing" option, the Department considers that this option is justified by the policy aims of safeguarding essential transport services for everyone who relies upon them. In supporting RR services, the Department also considers that this option is likely to be the most effective in improving equality of opportunity. The Department does not consider that people with the other seven protected characteristics will be affected disproportionately by the policy.

22. A more detailed explanation of consideration of the baseline and preferred option is provided below.

## Section 2: Evidence Summary

### Overview

23. The Department considered a range of evidence in seeking to understand the issue highlighted by the RDG, to identify effective responses, and to develop a longer-term solution, including:
- a. Perspectives and data provided by the RDG;
  - b. Perspectives and data provided by the main bus and coach trade organisations, the Confederation of Passenger Transport (CPT), the UK Coach Operators' Association (UKCOA), the Road Haulage Association (RHA) and the Association of Small Bus Company Managers (ALBUM);
  - c. Data from the Department's annual bus statistics survey and from its management of the process for considering applications for MTEs, exempting vehicles from the PSVAR;
  - d. Data from the Office of Rail and Road's Census of Public Service Vehicle Accessibility Regulations compliance amongst RR services;
  - e. Advice from the Disabled Persons' Transport Advisory Committee (DPTAC) statutory advisors to Ministers on the needs of disabled transport users; and
  - f. Departmental and wider government statistics on the occurrence of disability and the experience of disabled people.
24. Consideration of the issue presented by the RDG has been constrained by available data within the time needed to make a decision in light of the imminent coming into force of AIR from 1 October and the need to plan for the provision of RR services this autumn. There is minimal evidence on public service vehicle compliance with AIR (whilst bearing in mind that compliance requirements does not begin until 1 October 2024); vehicles that are available and used for RR services; or the coach sector more broadly. A range of internal and external data sources have been used to try to understand the scale and potential impact of the issue. The quality and utility of the data sources available is mixed





and can therefore only provide indicative evidence. Data has also been gathered through the Department's process for considering applications for MTEs from PSVAR. The RDG has indicated that the railway industry has an estimated 1,800 buses and coaches available for providing RR services. While the surveying may have been limited in scope, the RDG has surveyed operators receiving 250 responses, that support the position of there being a substantive risk of an insufficient number of compliant coach vehicles.

25. The summary below provides details of additional evidence considered in analysing the impacts of the baseline and preferred option.

### **Use of public transport by disabled people**

26. In 2022/23 there were 16.1 million disabled people in the UK (according to the Family Resources Survey<sup>3</sup>). This represents 24% of the population.
27. The ability to access transport is vital for disabled people to assist with their full participation in society. According to the government's 'Disability, accessibility and blue badge statistics for England, 2022 to 2023'<sup>4</sup>, in 2022, disabled adults in England made 25% fewer trips than non-disabled adults, broadly in line with previous years.

### **Rail Replacement Accessibility**

28. According to the Office for Road and Rail (ORR), based on data they receive from operators, nearly all rail replacement vehicles either met accessibility standards or have an exemption from those. The ORR interpret this as meaning that for passengers, 95% of rail replacement vehicles met accessibility standards. They report that this is a small rise from 94% in 2022 to 2023, which is in turn higher than the 90% attained in 2021 to 2022<sup>5</sup>.

### **Impact of AIR**

29. Accessible information can help a range of passengers, not just disabled passengers, to feel more confident when using local services. For many disabled people, accessible information is not just a nice-to-have, it can be vital in giving them confidence in their ability to complete journeys safely and independently, free from the fear of alighting at the wrong stop and being left stranded in an unfamiliar location.
30. Guide Dogs UK campaigned for many years for PSVAR to be amended to require installation of equipment to provide audible and visible information on new vehicles. Their "Talking Buses" campaign focused particularly on the impact that a lack of accessible information had on the ability of blind and partially sighted people to travel independently. According to their 'Destination Unknown' survey in 2014, 25% of respondents who were blind or partially sighted had missed their bus stop 3 times or more over the previous 6 months and 70% stated that they had missed their stop because a bus driver forgot to tell them when they had reached their destination.

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<sup>3</sup> [Family Resources Survey: financial year 2022 to 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/family-resources-survey-financial-year-2022-to-2023)

<sup>4</sup> [Disability, accessibility and blue badge statistics, England, 2022 to 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/disability-accessibility-and-blue-badge-statistics-england-2022-to-2023)

<sup>5</sup> <https://www.orr.gov.uk/annual-rail-consumer-report-2023-2024/accessible-travel#block-orr-axisbookpagetitle>



31. In 2023 there were 41,500 vehicles used as Public Service Vehicles (PSVs) in Great Britain - 34,800 buses, 5,000 coaches and 1,700 minibuses<sup>6</sup>. According to the Department's Bus Statistics data tables, in 2023 35.3% of buses in Great Britain were equipped to provide AV information including route and next stop information<sup>7</sup>. While this is indicative of a certain level of accessible information provision, this does not necessarily mean that this provision is exactly the same as those required by AIR.

## Section 3: Assessment

### Introduction

32. In developing the policy options, including the preferred option, described in this document, the Department has sought to understand the potential impacts on people with protected characteristics, to eliminate unlawful discrimination and to identify opportunities for promoting equality of opportunity and fostering understanding between groups. This section provides a summary of considerations, demonstrating due regard paid under s149 of the Equality Act 2010.

33. This section considers the impacts for two scenarios: the do-nothing option, and our preferred option as described above.

### Equality Assessment Overview

34. In order to understand the impact of the options presented the Department considered how key factors relate to the nine protected characteristics. These key factors are:

- a. The provision of RR services; and
- b. The provision of AV information on-board local services.

35. As discussed previously, RR services are provided during periods of railway disruption, so the people affected by them and the manner in which they are provided is likely to be representative of railway passengers generally. That said, passengers with access to alternative means of transport may be more likely to have the option of avoiding the complication of a journey including RR sections, for example if they have access to a private car and are able to use it to avoid RR disruption. According to the latest update of the Department's Transport: disability and accessibility data<sup>8</sup>, in 2022 there was a higher percentage of disabled adults in households without a car or van in England (33%), than

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<sup>6</sup> Bus statistics data tables, Vehicles operated by local bus operators (BUS06):  
<https://assets.publishing.service.gov.uk/media/6566250575007400131ded89/bus06.ods>.

<sup>7</sup> Bus statistics data tables, Vehicles operated by local bus operators (BUS06):  
<https://assets.publishing.service.gov.uk/media/6566250575007400131ded89/bus06.ods>.

<sup>8</sup> [Transport: disability and accessibility data tables \(DIS04\) - GOV.UK \(www.gov.uk\)](#) specifically [dis0405.ods \(live.com\)](#)



non-disabled adults in households without a car or van in England (13%). The Department considers that whilst RR services are relevant to a broad cross section of the travelling public, they may be more relevant to people who do not have access to alternative means of transport, which may particularly include disabled people.

36. The AIR were specifically introduced, under primary powers in section 181A of the Equality Act 2010, to make it easier for disabled people to use local bus and coach services, although the Department recognises that such provision introduces benefits for a greater range of passengers. Older people may experience similar barriers to those who are disabled as they get older, including poor eyesight or hearing, and may also benefit from improvements in on-board information to a greater degree than people with other protected characteristics.
37. Given this, the Department has focused consideration of impacts principally on the protected characteristic groups of age and disability. Whilst consideration has been given to the other protected characteristic groups, consistent with the PSED, the Department does not consider that there is potential either for people with those characteristics to experience unlawful discrimination, or to be positively affected as a consequence of either the baseline or preferred option, on account of having such protected characteristics.

## **Baseline**

38. The Department has considered the impacts of the baseline “do nothing” option in order to understand the impact on older and disabled people of the preferred option. Under the baseline scenario AIR would begin applying from 1 October 2024 to any vehicle first used on local services on or after the 1 October 2019, subject to existing exemptions included in the AIR. RR services would not be exempt and, where subject to the AIR, would need to comply or their operators potentially face enforcement action. In practice, operators would have a choice between bringing affected vehicles into compliance, assuming this could be achieved at such short notice, using vehicles which are not yet required to comply, or withdrawing vehicles from RR service.
39. Whilst noting the limited verifiable data available at this point in time, in relation to RR services, the main estimated impacts on passengers identified are described below.
40. It is likely that TOCs will seek initially to provide RR services using vehicles which either comply with the Regulations or which are not yet required to do so. Given that it has been estimated that only around ~1% of coaches providing RR services currently comply with AIR, it is likely that the industry would turn to alternative vehicles first used before 1 October 2019 which, given their age, may provide a less comfortable service for passengers, be less reliable for operators, and potentially not be compliant with the PSVAR. Based on their survey of coach operators across the United Kingdom, which received 250 responses, the



RDG estimates that 24 coaches will be AIR compliant on 1 October, although it has not been possible for the Department to corroborate this information. Using older and/or non-PSVAR compliant vehicles would affect the experience of all passengers, but for some disabled people would mean them no longer being able to use the same RR services as other passengers, and having separate alternative transport arranged for them instead. This would represent a step backwards for the rail industry which has made progress since 2020 in providing RR services using PSVAR compliant vehicles, and would provide a lower quality, less consistent experience for passengers.

41. The number of vehicles first used on Local Services before 1 October 2019 which can be used on RR services in practice will depend upon the number which either comply with PSVAR or are covered by an MTE from PSVAR. It may be possible that this figure would be insufficient to cover peak RR vehicle requirements, and that TOCs would begin issuing DNT notices from September onwards, covering blockades planned from October onwards. In practice, that could mean that little or no alternative transport would be provided during affected blockades, and passengers would be advised to find alternative routes or modes of transport. Passengers able to defer their journeys or to use other modes, such as private cars, would likely do so, whilst those without such options may either cancel their trips or attempt to travel anyway, hoping to be able to use skeleton RR services, if provided. Some older and disabled people may not have access to private transport and thus be more likely to be prevented from travelling, or to find their journeys being more complicated or taking longer than people with access to private transport.
42. Whilst this option would not involve the granting of any exemptions it is unlikely to result in a higher level of AIR compliance being achieved from October, compared to other options. Operators who feel that it is uneconomical to comply with the AIR in order to continue providing RR services are unlikely to change their minds and, in any case, the constrained supply chain means that, in practice, orders placed now for installation by equipment suppliers are unlikely to be fulfilled until 2025 at the earliest. The only exception may be larger operators with engineering teams able to take on the task of installing equipment themselves, although even they may struggle to achieve compliance by 1 October, if they were yet to begin the procurement of related equipment. This would mean that passengers would need to wait longer than envisaged originally in order to begin benefiting from improved information. This would be particularly significant for disabled people who are more likely to struggle to use bus and coach services independently where audible and visible information is not provided, including visually and hearing-impaired people, people with cognitive impairments or autism, and wheelchair users travelling in a rearward facing wheelchair space. The impact of such a delay on these passengers might be mitigated to some extent if operators choose to provide route and location information through methods which do not comply with the AIR, such as asking drivers to call out stop names.



## **Equality Assessment: Age and Disability**

43. The Department has considered the protected characteristics of age and disability together within this document, since many of the barriers that older people face using transport services may be aligned with those for disabled people, such as the availability of information in formats available to them, or the provision of public transport where the use of private transport is not an option.
44. The issues described in this document have the potential to affect disabled people with a broad range of impairments. A lack of accessible information is particularly relevant to people with visual and hearing impairments, cognitive impairments, some forms of neurodiversity, such as autism, and for wheelchair users. A lack of access to private transport can arise due to a number of factors relevant to disabled people, including ineligibility for a driving licence, low income preventing car ownership and use, or the inaccessibility of active transport.
45. The section below summarises consideration of the impacts on such people of the preferred option, aligned with the three main strands of the PSED.

### **Consideration: Duty to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act**

46. In exempting RR services from AIR until 31 July 2026, the Department would be delaying the point at which some vehicles need to comply with the Regulations by up to twenty-two months compared to the original statutory timetable. However, given the potential inability or reticence of operators to invest in equipment to support AIR compliance, the Department does not consider that the rate of compliance, and therefore the rate at which passengers begin benefiting from improved accessible information, would increase any faster under the baseline option than it would under the preferred option.
47. The risk of exemptions delaying compliance of operators with the AIR which, in the absence of such exemptions would comply, would be mitigated through terms preventing the exemption of vehicles already equipped to provide AV information, including those for which operators have received funding from the Department's Accessible Information Grant. Consistent with the approach taken with MTEs from PSVAR, the railway industry could be asked formally by the Department to seek to use PSVAR and AIR compliant vehicles in preference to vehicles only compliant with PSVAR or non-compliant with both Regulations. Together, these measures would go some way towards mitigating the risk of exemptions preventing a gradual increase in compliance which would have occurred had they not been issued, although it is unlikely to entirely eliminate this risk.



48. The Department would instruct the rail and coach industry to provide information on the route and location of respective vehicles to passengers travelling on RR services covered by exemptions, albeit without the requirement for such information to be provided to the technical standard of AIR. Operators would have some level of flexibility to determine how to provide such information, such as through the use of manual spoken announcements and the display of lists of stops. This would help to avoid older and disabled passengers continuing to be disadvantaged compared to younger and non-disabled passengers from a lack of accessible information provision. The Department would ask rail and coach operators to take steps to provide staff onsite during RR service provision to guide and support disabled passengers with their onward journey.
49. The granting of exemptions would allow TOCs to operate RR services using vehicles which would be available for use in the absence of the AIR, reducing the demand for potentially less accessible vehicles first used before 1 October 2019, and eliminating the risk of DNT notices being issued on account of the impact of AIR. This would mean that passengers intending to make rail journeys would still be able to reach their destination by train or RR vehicle, reducing reliance on alternate modes and the risk of older and disabled passengers being prevented from travelling at all.
50. In preventing the withdrawal of RR services and supporting a continued progression towards compliance with AIR, the Department considers that the preferred solution would result in better outcomes for older and disabled people than the baseline option, and that it would not result in unlawful discrimination, harassment or victimisation prohibited by the Equality Act 2010. Further, by requiring exempt operators to comply with the spirit of the Regulations, by at least making required information available manually, the Department would be taking steps to reduce or eliminate indirect discrimination against affected older and disabled people, and steering operators towards providing “reasonable adjustments” for disabled people consistent with their existing duties under the Equality Act 2010. Rail operators would also be expected to continue to fully comply with their Accessible Travel Policy duties.

***Consideration: Duty to advance equality of opportunity between people who share a protected characteristic and those who do not***

51. The Equality Act 2010 states that “having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it means having regard in particular to the need to:
- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic,
  - b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it,



- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.”

52. The AIR were introduced specifically to reduce or eliminate the disadvantage experienced by disabled people when using local bus and coach services on account of a lack of AV route and location information provision. In particular, they were intended to support affected people to travel confidently, knowing that they were on the intended vehicle and would know when their destination stop was reached. It might be assumed that by delaying the point at which AIR will apply to the vehicles of operators when used on RR services, the Department may be failing to remove that disadvantage, however, given the likelihood of such disadvantage continuing to exist in the absence of the proposed measure, the Department considers that there is no failure in this regard. Further, the PSVAR arguably remove a more significant disadvantage for those passengers needing to travel on buses and coaches in their wheelchairs, and that by prioritising continued compliance with PSVAR over the application of AIR, the Department is seeking to achieve a greater impact on the disadvantage experienced by disabled bus and coach users overall.
53. Similarly, the Department considers that in supporting the continued provision of RR services, helping older and disabled passengers without alternative travel options to complete their journeys, the Department is taking steps actively to meet the needs of such people. Further, in applying proportionate terms to the exemptions granted, requiring information still to be provided where possible, the Department is continuing to seek to meet the needs of passengers reliant on such provision, where it is feasible to do so. The Department does not consider that stepping back from requiring full AIR compliance on RR services for a temporary period, and where such compliance is unlikely to be feasible in any event because of the issues identified, would represent a failure to pay regard to meeting such needs.
54. Finally, whilst it is unlikely that the action proposed would have a material impact on the ability of older and disabled people to participate in public life, transport is a key enabler for people to live their lives the way they want to, including participating in activities where the representation of people with the same protected characteristic is low. In supporting the continued provision of RR services, and therefore the ability of older and disabled people who lack alternate options to complete their journeys, the Department considers that it is taking proportionate steps to facilitate such participation.



### **Consideration: Duty to foster good relations between people who share a protected characteristic and those who do not**

55. The Equality Act 2010 states that, “having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:
- (a) tackle prejudice and
  - (b) promote understanding.”
56. The Department considers that the available responses to the RR compliance issue provide limited opportunity to promote understanding between, for instance, older and younger people, or between disabled and non-disabled people. It is possible that, in supporting the provision of RR services and therefore the continued ability of older and disabled people to complete their journeys, the Department is indirectly supporting the presence of older and disabled people in such settings and therefore the recognition of their needs. This may be a tenuous impact and other, unrelated interventions, may be likely to have a greater impact on this important aim.

### **Equality Assessment: Other Protected Characteristics**

57. The Department has concluded that the protected characteristics of gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation are not relevant in and of themselves in considering the issue of the provision of RR services and their compliance, or otherwise, with AIR.
58. Where intersectionality is a relevant concern, the Department has reflected understanding of its consideration. For instance, older or disabled women may be more likely to feel that their personal safety is endangered by a lack of AV information on buses and coaches, and a consequent increased risk of them alighting in an unintended and unfamiliar or isolated area. The Department considers that the needs of such people are not dissimilar from those of older and disabled people generally and that, in any case, the proposed action would still not result in them experiencing greater disadvantage than they would under the baseline option. Further, the steps proposed to provide for audible and visible information on board RR vehicles where it is feasible to do so would help to minimise disadvantage wherever possible.

## **Section 4: Decision and Conclusions**

59. In summary, the Department has been warned of a significant risk of a lack of RR vehicles compliant with AIR from 1 October 2024, which could result in either the use of less accessible vehicles, or in a worst-case scenario, result in train operators being unable to provide RR services. Whilst acknowledging notable issues in terms of the availability of data





on RR service provision, the Department has considered a range of options for responding to the issue. Following this consideration, the Department believes that the most effective option for avoiding the risk of notable disruption whilst maintaining current levels of RR transport accessibility, is to grant time-limited exemptions from the technical requirements of AIR. The exemption scheme would be designed to minimise negative impacts on all passengers, particularly those who are older or disabled, and would require rail and coach operators to continue the provision of destination and journey information to passengers by other means, with rail operators still required to meet the conditions of their Accessible Travel Policy (ATP), which sets out the accessibility related commitments and standards of practice that each TOC must provide for rail passengers with disabilities.

60. Having given due consideration to the impact of the underlying issue and the Department's preferred mitigation approach on those passengers who would be affected, including in relation to the nine protected characteristics, it is considered that the preferred option represents an improvement on the situation that would persist in its absence. In summary, its implementation would likely prevent the curtailing or frustration of older and disabled people's journeys through the use of potentially less physically accessible RR services or the withdrawal of such services altogether, whilst the proposed exemption terms would help to continue the provision of accessible information across RR services.
61. As such, the Department considers that not only can this decision be taken whilst giving due regard to PSED consistent with legal obligations, but that the preferred policy approach represents the best option for those who are potentially affected most significantly.

## **Section 5: Monitoring and Review Summary, and options for increasing its compliance with AIR.**

62. The Department will facilitate monitoring of the uptake of exemptions and their impact on compliance with AIR and PSVAR in the RR coach sector, both through the exemption process and through existing data channels. The RDG will report to the ORR on AIR compliance progression, as it currently does for PSVAR. As highlighted previously data concerning this area is currently limited, and the Department intends to work with the rail and coach sector to identify additional sources, both to allow the timely and effective evaluation of the intervention implemented, and to gain a more accurate picture of the nature of RR provision generally.
63. The currently proposed twenty-two month validity period of the exemptions, alongside the rail reform measures the Department is bringing forward as part of Great British Railways, will provide the time and opportunity for the Department to work with the sector and representatives of disabled people, to develop a longer-term approach to AIR compliance



and RR accessibility. Ultimately, it is the Department's view that it remains appropriate for accessible information to be provided on RR services, and therefore for efforts to focus on a long-term approach to achieving this.

## Equalities Team – Commentary

64. The Department for Transport Equalities team are content that this assessment pays due regard to PSED requirements.

### Section 6: Sign off

I am satisfied that the above assessment demonstrates that full and appropriate regard has been paid to the PSED.

#### Officer completing the EIA

Name: Robert Johnson  
Role [Policy Adviser](#)  
Grade [Grade 7](#)  
Date [29/08/2024](#)  
Signature Robert Johnson

#### SCS sign off

Name [Alison Franks](#)  
Role Deputy Director for Accessible and Inclusive Travel  
Grade [SCS 1](#)  
Date [29/08/2024](#)  
Signature [Alison Franks](#)