



Public Sector Equality Duty Equality Impact Assessment: Medium-term exemptions from accessibility regulations for home to school & rail replacement coach services

This document records the analysis undertaken by the **Department for Transport** to fulfil the requirements of the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010 (the Act). This requires the department to pay due regard to the need to:

1. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
2. advance equality of opportunity between people who share a protected characteristic and those who do not
3. foster good relations between people who share a protected characteristic and those who do not.

The protected characteristics which should be considered are:

- a. age
- b. disability
- c. sex
- d. gender reassignment
- e. marriage or civil partnership
- f. pregnancy and maternity
- g. race
- h. religion or belief
- i. sexual orientation.

Please note that in relation to the protected characteristic of marriage and civil partnerships the department is required to have due regard only to the first point in the first paragraph above.



Contents

Contents	2
Section 1	3
1.1 Policy/Service	3
Introduction and policy context	3
Medium-Term Exemptions: the proposed policy and its intended effects	5
Summary of policy options	6
Anticipated impacts	8
Section 2	10
2.1 Summary of the evidence considered in demonstrating due regard to PSED	10
Evidence considered in demonstrating due regard to PSED	10
2.2 Assess the impact	11
Equality Assessment: disability	11
Equality Assessment: sex	16
Equality Assessment: gender reassignment	17
Equality Assessment: marriage or civil partnership	17
Equality Assessment: pregnancy and maternity	17
Equality Assessment: race	17
Equality Assessment: religion or belief	17
Equality Assessment: sexual orientation	18
2.3 Summary of the Analysis	18
Section 3	19
3.1 Decision Making	19
3.2 Monitoring arrangements	19
Annex A: MTE Compliance Schedule	20
Band A requirements	20
Band B requirements	20
Band C requirements	20
Band D requirements	20
Compliance schedule definitions and notes	21

Section 1

1.1 Policy/Service

Introduction and policy context

1. The Department for Transport (hereafter “We”) will offer Rail Replacement (RR) and Home-to-School (HTS) coach operators Medium-Term Exemptions (MTEs) from the Public Service Vehicles Accessibility Regulations 2000 (PSVAR) for the period 1 July 2022 to 31 July 2026. These MTEs, combined with appropriate enforcement, will ensure that operators of HTS and RR services become increasingly compliant with their existing legal obligations for accessibility, and can continue operating these essential services, helping disabled passengers to make the journeys that are important to them.
2. PSVAR governs the accessibility of buses and coaches. They require that the vehicles that fall within their scope are equipped with the accessibility features set out in the PSVAR. For example, Schedule 1 of PSVAR sets out requirements for accommodating wheelchair users, such as the minimum size for wheelchair spaces, specifications for boarding lifts and ramps, and other equipment.
3. PSVAR applies to vehicles designed to carry more than twenty-two passengers, and which are operated on local or scheduled services. A “local service” is defined as per the Transport Act 1985, essentially as a service using one or more public service vehicles, on which passengers are carried at separate fares, and where the distance between pairs of stops is always less than fifteen miles. A “scheduled service” is one using one or more Public Service Vehicles, for the carriage of passengers at separate fares (a) along specified routes, (b) at specified times, and (c) with passengers being picked up and set down at pre-determined places, but does not include a tour service.
4. HTS services are not referenced in the PSVAR and hence are neither specifically included within or excluded from their scope. Most HTS services are likely to comply with most requirements of the “local service” and “scheduled service” definitions, and the application of the PSVAR to them is likely to hinge on whether or not individual fares have been paid. It is our view, supported by legal advice, that when at least one fare is paid by or on behalf of a passenger travelling on a service, then the “individual fares” condition is triggered. Therefore:
 - a. An HTS service where passengers pay fares to the operator or driver is likely to be within scope;



- b. An HTS service where the vehicle has been hired outright (in other words not by individual seats) and where the passengers do not pay a fare to any person or organisation is likely to be out of scope;
 - c. An HTS service where the vehicle has been hired in whole, but where at least one passenger pays a fare, whether to the operator, driver, local authority (LA) or school, is likely to be within scope.
- 5. PSVAR have created a step change in the accessibility of bus and coach services, with 99% of buses used on local services in England in 2020/21 now compliant¹, and we have seen improvements in the coach sector. However, there is a shortfall of compliant coaches available for RR and HTS services. To ensure that HTS and RR services could continue operating, since the end of 2019 Ministers have issued a series of short-term exemptions (STEs), providing complete exemptions from PSVAR requirements with a clear expectation that operators would use the extra time to achieve compliance. The last round of STEs were issued in 2021, but they have not stimulated a sufficient increase in the number of compliant vehicles in the HTS or RR sector.
- 6. PSVAR applies to coaches used for HTS services for both state (funded) schools and private (non-state funded) schools. There is already a legal duty on LAs to provide alternative accessible transport for disabled passengers who attend state-funded schools if an accessible coach is not available. LAs do not have a similar duty with respect to non-state schools (unless the pupil has special educational needs and disabilities and the non-state school is named in the pupil's education, health, and care (EHC) plan). Non-state schools do not have a specific transport duty for their pupils, but transport arrangements would usually be made as part of a package agreed with the parents or guardians. That said, neither DfT nor the Department for Education are aware of concerns being expressed by parents or guardians of disabled children for whom separate arrangements have been made for HTS transport.
- 7. With respect to RR services, the rail contracting process obliges Train Operating Companies (TOCs) to provide alternative accessible transport where a PSVAR-compliant RR vehicle is not available. The alternative accessible transport must offer the same level of service as transport provided to non-disabled passengers (i.e. disabled passengers should suffer no detriment to comfort, safety or waiting times). This means that for planned engineering works TOCs must make provision for alternative accessible transport in advance. As a condition of licencing by the Office of Road and Rail, TOCs are obliged to set out such arrangements as part of their accessible travel policies.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1030718/annual-bus-statistics-year-ending-march-2021.pdf



8. Whilst alternative provision is mandated in some cases (as set out above), the shortfall in HTS and RR coach services is not acceptable, and we consider that intervention is required to produce a solution that:
 - a. encourages compliance with PSVAR so that more disabled people and disabled school children can travel alongside non-disabled passengers;
 - b. ensures HTS and RR services continue to operate;
 - c. reduces uncertainty for operators and commissioners of HTS and RR services so they can commission more compliant services; and,
 - d. avoids small and micro business (SMB) operators going out of business so that provision of HTS and RR services is maintained in areas where SMBs are the sole providers of such services.
9. The MTE policy takes into account the financial challenges that HTS and RR operators face, particularly in light of the impact of the COVID-19 pandemic on passenger demand. We have committed to completing a full review of PSVAR by the end of 2023. This review will examine the current PSVAR requirements, their effectiveness and how they might be amended to meet the challenges of the next generation of vehicles, transport infrastructure, and the evolving requirements of passengers, while also contributing to the delivery of wider government commitments, such as decarbonisation and levelling up. Working to understand the evolving needs and expectations of disabled people, including through engagement with disability and disabled people's organisations, will be integral to the review and its findings. If the review indicates that amendments to PSVAR are needed, we would aim to make the recommended changes before 31 July 2026.

Medium-Term Exemptions: the proposed policy and its intended effects

10. MTEs are designed to bridge the gap between low levels of compliance with the current PSVAR, which has seen limited improvement despite the significant compliance period enshrined in PSVAR and the time afforded to operators to become compliant with PSVAR by the current STEs, and any changes that might be recommended by the PSVAR review.
11. MTEs will run from 1 July 2022 to 31 July 2026 and will incorporate graduated steps (or "periods") requiring an operator to progressively increase the compliance of their fleet over the lifetime of the MTE. Periods will be aligned with school years to provide clarity for commissioners of HTS services regarding expected numbers of compliant vehicles.
12. Operators will be able to apply for MTEs from April 2022. Successful applicants will be required to make the vehicles that they use for HTS and RR services



compliant with PSVAR requirements in increasing steps every 12 months, as set out in the compliance schedule at Annex A.

13. MTEs are not intended to achieve full compliance with PSVAR across the country; rather they will require a minimum percentage of vehicles, from each operator granted exemptions, to achieve the level of compliance stipulated in the compliance schedule. Gradually increasing minimum levels of compliance, rather than requiring full compliance within a shorter timeframe, is designed to minimise the financial risks to operators and consequential impacts on the provision of key services. This could include their being forced to withdraw HTS and RR services, or to cease trading completely if they lack the resources to retrofit existing coaches or purchase new, compliant vehicles. Without financially sound services, we could see service failures resulting in reduced or no HTS or RR services for anyone, including disabled people.
14. We consider MTEs will represent a significant improvement on the STE regime for the following reasons:
 - a. MTEs would remove a degree of uncertainty for operators and commissioners of HTS transport. Transitioning to a four-year regime would support operators in becoming PSVAR compliant, whilst giving manufacturers an extended period in which to retrofit vehicles with the required accessibility features.
 - b. The timescales for implementing MTEs would provide continuity for the coach sector through to completion of the PSVAR review by the end of 2023, with any new regulatory requirements that may be introduced following the review expected to be implemented before the MTEs expire at the end of July 2026.
 - c. The more stringent MTE regime, combined with an appropriate inspection and enforcement approach, will demonstrate the government's commitment to increase compliance with PSVAR by the coach sector.

Summary of policy options

Under all options, we will also complete a review of PSVAR by the end of 2023.

Option 1 - Do nothing

15. If no intervention was made, the Driver and Vehicle Standards Agency (DVSA) would commence enforcement of PSVAR upon expiry of existing STEs at the end of June 2022 (RR) and July 2022 (HTS) respectively.
16. As such, operators of coaches within scope of PSVAR who wish to continue running HTS or RR services would need to be compliant with PSVAR, or risk committing a criminal offence (under the Equality Act 2010) and could face a fine not exceeding Level 4 on the standard scale (currently £2,500). The risk of

enforcement action in this scenario makes it likely that non-compliant vehicles will be withdrawn from service by operators or refused by the commissioners of HTS and RR services.

17. It is highly likely that a 'do nothing' option would result in a severe shortage of coaches available to operate HTS and RR services, with all users having to make alternative travel arrangements (which may not always be possible). If there is a reduction in the availability of accessible coaches, then arranging alternative travel arrangements could be disproportionately difficult for disabled passengers given the poor availability of accessible vehicles generally.
18. In the case of RR services, if a train operating company (TOC) cannot procure enough compliant vehicles, it would have to issue 'do not travel' notices (a travel advisory more commonly issued to advise customers not to travel as a consequence of severe weather or similar events), or refuse to withdraw its services to allow engineering works to take place.
19. However, for many small and medium enterprise (SME) coach operators, which includes SMBs, with largely non-compliant fleets that are reliant on providing HTS or RR services, the cost of retrofitting vehicles to become compliant could be a very significant one in proportion to their income. Financial strain could force SME, in particular SMB, coach operators out of business, leading to service withdrawal for all people, including disabled people. It would not be appropriate to issue grants for SMEs to retrofit coaches given that operators have had over to decades to comply with PSVAR and that it would be unfair to companies who have invested in compliant vehicles in good time.

Option 2 - Use Administrative Orders to create MTEs (Option taken forward)

20. We will create and issue qualified MTEs, issued in the form of administrative Orders of the Secretary of State under Section 178 of the Equality Act 2010 (effectively, exemption certificates to be carried onboard all relevant vehicles), that will last until 31 July 2026. By requiring increasing provision of PSVAR compliant coaches for HTS and RR services over the exemption period we are meeting our Public Sector Equality Duty by considering the needs of disabled people and of other users of HTS and RR services.

Option 3 - Extending current short-term exemptions

21. Alternatively, we could introduce another round of STEs upon expiry of existing STEs at the end of June 2022 (RR) and July 2022 (HTS) respectively. This option would continue the approach taken towards PSVAR compliance in respect of HTS and RR services in recent years. Given the lack of certainty or further progress towards compliance, this is likely to be poorly received by coach operators that have made efforts to be compliant, as well as by the Disabled Persons Transport Advisory Committee (DPTAC), other organisations who represent the rights of disabled passengers, and commissioners of HTS and RR services.



22. While a further round of STEs might provide an additional period of grace for operators who are actively engaged in updating their fleets, it would act as a disincentive for non-compliant operators. There would also be a risk of moral hazard as operators increasingly learn to anticipate and rely on rolling STEs as part of their business model. As existing STE periods have not produced significant improvements in compliance, a new round of STEs is unlikely to encourage the required improvements.

Anticipated impacts

23. We anticipate that our policy will impact on the following:
- a. Passengers travelling on HTS and RR services. In both cases (particularly HTS) these will include disabled children, accompanying parents, guardians, other family members, or carers and companions; as well as able-bodied children travelling to school. Passengers for RR services are likely to include wheelchair users, older people, and other passengers with mobility issues (not necessarily identified as disabled), other family members, or friends and carers accompanying the wheelchair user; as well as able-bodied individuals travelling during a designated period of engineering works and rail passengers who have been stranded because of a defective train (i.e. unplanned RR service users).
 - b. Coach drivers, who will be responsible for operating wheelchair lifts and other equipment.
 - c. Coach operators, who will be required to implement the MTE Compliance Schedule.
 - d. Commissioning organisations including TOCs, local authorities (LAs), schools and colleges (in the private and public sectors) and the Association of Transport Co-ordinating Officers (ATCO).
 - e. DVSA, who are responsible for enforcing accessibility requirements and certifying vehicles which have been retrofitted to comply with PSVAR.
 - f. Traffic Commissioners, who are responsible for the licensing and regulation of those who operate heavy goods vehicles, buses, and coaches, and therefore have the powers to remove licenses from operators who are reported by DVSA as not complying with PSVAR.
 - g. Coach manufacturers and specialist engineering firms, who will be responsible for providing new stock or carrying out retrofitting to existing vehicles to enable increasing levels of compliance with PSVAR.
24. The following organisations/groups will have a strong interest in MTEs and progress towards MTE compliance.



- a. Passengers' representative groups and DPTAC, who have been advocating for greater PSVAR compliance in the HTS and RR services.
- b. Trade body representatives for the coach sector, who are responsible for keeping their membership informed of developments and for engaging with government and other organisations in the interests of their members.
- c. Devolved administrations, who are responsible for the policy on HTS and RR services within their respective territories.

Section 2

2.1 Summary of the evidence considered in demonstrating due regard to PSED

Evidence considered in demonstrating due regard to PSED

25. In developing this policy, we have engaged informally with Local Authorities (through ATCO), trade bodies such as the Confederation of Passenger Transport (CPT) and the UK Coach Operators Association (UKCOA), and DPTAC.
26. Their input has informed our refinement of the policy. We will continue to engage with ATCO and coach sector representatives to monitor implementation of the policy, and its outcomes.
27. We will also continue to engage with DPTAC, who have been advocating for replacing STEs with a regime that would encourage a rapid increase in the number of PSVAR-compliant coaches, with particular reference to HTS and RR services. DPTAC's stance is summarised in their 2021 position paper on the accessibility of coach services².

Review of existing data

28. We do not have quantitative data on the use of coaches for HTS and RR services by individuals with specific protected characteristics, but DfT publishes general statistics on transport accessibility for disabled people³.

Links to existing reports

29. The Rail Delivery Group (RDG)'s 2020 report, 'Rail Replacement Vehicles – a pathway to regulatory compliance'⁴, provides significant insight and quantitative data relevant to both RR and HTS services. Recent papers such as the 2020 Equality and Human Rights Commission research report, 'Accessible transport for older and disabled people in Wales'⁵, also provide useful observations on actions that public bodies could take to improve accessibility.

² <https://www.gov.uk/government/publications/dptac-position-on-the-accessibility-of-coach-services>

³ <https://www.gov.uk/government/statistics/transport-disability-and-accessibility-statistics-england-2020>

⁴ <https://www.raildeliverygroup.com/about-us/publications/171-2020-03-psvar-pathway-to-compliance/file.html>

⁵ <https://www.equalityhumanrights.com/sites/default/files/accessible-public-transport-for-older-and-disabled-people-in-wales.pdf>

2.2 Assess the impact

Equality Assessment: disability

30. We have concluded that the protected characteristic of disability is relevant to issuing MTEs.
31. Overall, we expect an increase in compliance with PSVAR over the MTE period. Although MTEs will not require all coaches within scope to be compliant, passengers who need to board, alight or travel whilst remaining in a wheelchair will be able to use progressively more coaches over the MTE period. When use of a non-compliant coach is unavoidable, commissioners of both HTS and RR services have a duty to provide suitably accessible transport for disabled passengers who need it. We consider the policy to be a reasonable and proportionate measure to achieve a legitimate aim.
32. References in this document to disabled people are to those people as defined by Section 6 of the Equality Act 2010⁶ for whom a lack of PSVAR compliance presents a barrier to accessing HTS or RR services. This may be because of the need to remain in a wheelchair and access the vehicle using a ramp or lift, or because of an impairment which means that priority seating, colour contrasting hand-holds and step edges, or clear destination blinds, are material to their ability to access the vehicle.
33. We have considered impacts on other groups of disabled people, such as children with autism, but concluded that they are not differently affected to non-disabled people.

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

34. We have concluded that implementing MTEs will not result in unlawful discrimination, including direct and indirect discrimination, victimisation and harassment, discrimination arising from disability or a failure to make reasonable adjustments.
35. In order to be considered “direct discrimination”, implementing MTEs would have to result in disabled passengers being treated less favourably than non-disabled passengers. An example of this might be “discrimination arising from disability”, which might occur if a disabled person was prevented from travelling to or from school via an HTS service, or from taking a RR service. However, this is not the case: the intended effect of the policy is to increase levels of compliance with PSVAR, thereby improving travel outcomes for disabled people. The continued use of non-compliant vehicles on some HTS and RR services will not result in disabled people being treated less favourably than

⁶ <https://www.legislation.gov.uk/ukpga/2010/15/section/6>



non-disabled people because commissioners of HTS and RR services are required to provide suitable alternative transport where compliant vehicles are not available.

36. In order to be considered indirect discrimination, the policy would need to treat all passengers in the same way, but nevertheless put disabled people at a disadvantage compared to non-disabled people. We consider that the policy is not putting disabled people at a disadvantage because travel will still be possible (for all passengers) due to the provision of alternative accessible transport where needed, and because HTS and RR fleets should become increasingly compliant with PSVAR, enabling more and more disabled people to travel with non-disabled people rather than being required to use different transport. We consider MTEs are a proportionate means to achieve this objective because while they do not achieve immediate compliance with PSVAR, they will gradually increase compliance while avoiding a sudden drop-off in services (which would impact all passengers).
37. Finally, we have considered our duty to provide reasonable adjustments for disabled people. Section 20 of the Equality Act 2010 provides for three forms of reasonable adjustment, which we have considered in turn.
38. *The first requirement is a requirement, where a provision, criterion or practice of the 'Department for Transport' puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with people who are not disabled, to take reasonable steps to avoid the disadvantage.* Our policy is to improve medium-term compliance with PSVAR, while recognising that for many passengers, HTS and RR services will remain non-compliant. The policy will not put disabled people at a disadvantage; rather, it seeks to remove the disadvantage of segregated travel from disabled passengers, while avoiding a sudden drop-off in services which would impact all passengers.
39. *The second requirement is a requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter compared to people who are not disabled, to take reasonable steps to avoid the disadvantage.* We do not think that the continued, if declining, provision of vehicles which do not comply with PSVAR puts disabled people at a *substantial* disadvantage in circumstances where they are provided with separate transport which meets their needs. Separate provision for disabled passengers from their non-disabled peers is not ideal, but we consider it a reasonable short-term measure whilst compliant HTS and RR services are put in place.
40. *The third requirement is a requirement, where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter compared to people who are not disabled, to take reasonable steps to provide the auxiliary aid.* In the context of PSVAR, relevant auxiliary aids are the vehicle design features specified by PSVAR, and the very aim of this policy is to increase provision of these auxiliary aids. Where

alternative accessible transport is in place substantial disadvantage compared to non-disabled people does not occur.

41. Finally, we have also considered whether, in implementing MTEs, there are opportunities to reduce or eliminate discrimination where it occurs, even though not caused directly by the policy. When granting MTEs we will remind operators of their legal duties under the Equality Act 2010, including the Public Sector Equality Duty. We will clearly explain the objectives of the policy in published guidance. Through regular meetings with representative bodies such as ATCO, we will engage with commissioners and providers of HTS and RR services to monitor progress in implementing this policy, and to resolve issues as they arise. This will help to ensure that the organisations concerned are mindful of their duty to eliminate discrimination.

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

42. We have considered the impact of MTEs on the capacity of commissioners and providers to advance equality of opportunity between people who share the protected characteristic of disability, and those who do not, as per section 149(3) of the Equality Act 2010:
- a. *“remove or minimise” disadvantages suffered by people who share “a relevant protected characteristic,”*
 - b. *“take steps to meet the needs of people who share a relevant protected characteristic that are different from the needs of people who do not share it,”*
 - c. *“encourage people who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such people is disproportionately low”.*
43. PSVAR was introduced with the aim of removing the disadvantage that disabled people face when using local and scheduled buses and coaches as a result of vehicle designs which fail to incorporate features to enable disabled passengers to board, alight and travel in comfort and safety (or at all).
44. Significant portions of the coach sector have so far failed to comply, and operators will face costs in doing so. We therefore consider that a gradual compliance requirement via MTEs is more likely to incentivise compliance than either of the alternative policies. Another round of STEs would most likely perpetuate low compliance rates and discussions with the representative bodies of operators have indicated that offering no exemptions at all could precipitate the mass withdrawal of services by operators who are unable to comply in the short term. MTEs are intended to minimise (and eventually remove) disadvantage, in line with the first requirement above, while the policy alternatives would increase disadvantage.



45. The existing requirement on commissioners to provide alternative accessible transport when needed allows us to minimise any disadvantage in the short term whilst we take steps to eliminate it in the medium to longer term, in line with the second requirement that we take steps to meet the needs of disabled people.
46. We have also considered the relevance of the third requirement, of promoting participation in public life by people who share the protected characteristic of being disabled. By increasing compliance over the medium-term disabled people are less likely to use separate forms of transport, and thus more likely to participate in public life in terms of sharing public space with non-disabled people.

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

47. We consider that implementing MTEs is more likely to help than hinder the tackling of prejudice between different groups and the building of understanding between them. The intended effect of the policy is to increase levels of compliance with PSVAR and improve travel outcomes for disabled people.
48. Whilst the continued use of non-compliant vehicles on some HTS services will result in disabled children and young people travelling separately from their peers, we expect that MTEs will result in fewer segregated journeys by 1 August 2025. For example, by this date operators with a fleet size of 30 vehicles or more will be expected to ensure that at least 35% of their fleet is compliant with PSVAR (see Annex A for more details about the required level of compliance).
49. Regarding RR services we have no evidence of a link between disabled passengers travelling separately from non-disabled passengers and any impact on relations between these groups.
50. In both cases, MTEs have been developed to correct an unsustainable situation, with possible alternatives (including continuing with STEs) considered more likely to create a negative impact. We believe that implementing MTEs is the most reasonable and achievable means of promoting stronger links and better understanding between disabled and non-disabled people in the medium to longer term.

Overall impact

51. We believe that implementing MTEs will not discriminate against disabled people. We also believe that MTEs balance the needs of organisations commissioning HTS and RR services and those of disabled people, whilst ensuring that disabled children and adults ultimately benefit from the gradual removal of the barriers that currently require them to use separate vehicles, and



which prevent the fostering of a more accurate understanding of disability amongst non-disabled people.

Mitigating the impact

52. Mitigation measures will include:

- a. DVSA will conduct inspections based on the terms of an operator's MTE; if an operator is found to be non-compliant, DVSA may take enforcement action as appropriate. Data collected throughout the application process will be shared with DVSA to assist with enforcement. This will help ensure that non-PSVAR compliant coaches are only used for HTS and RR services where the operator has obtained an MTE.
- b. Through business-as-usual meetings, we will engage with the representative bodies of commissioners, service providers, and disabled people to identify if there are any emergent issues or risks resulting from implementing MTEs.

Overall mitigated impact

53. MTEs will ensure that increasing numbers of vehicles will become compliant and that there will be increased opportunity for disabled and non-disabled people to travel together and improve understanding. The obligation on HTS and RR service commissioners to provide alternative accessible transport where necessary prevents any disadvantage experienced by disabled people from being substantial: with this mitigation in place, disabled pupils will still be able to access education, and disabled people will not be prevented from travelling.

Equality Assessment: age

54. We have concluded that the protected characteristic of age is relevant to issuing MTEs. Whilst the policy predominantly affects the protected characteristic of disability, the prevalence of disability and reduced mobility amongst older people means the protected characteristic of age is also relevant, particularly with respect to RR services, as does the age of passengers for HTS services (children and young people and their carers).
55. Our assessment of the protected characteristic of disability sets out the principal considerations, impacts, mitigations, and mitigated impacts that are relevant to disabled children and young people using HTS services. By improving the provision of PSVAR-compliant coaches through MTE, we expect that commissioners of HTS services (local authorities, schools and colleges) will be able to plan for the needs of children and young people more effectively, as they will have a clear idea of the number of compliant vehicles available at the beginning of each school year.



56. When use of a non-compliant coach is unavoidable, local authorities have a statutory duty to arrange suitably accessible transport for children and young people who cannot use mainstream provision when travelling to and from school or college. We therefore consider it unlikely that MTEs would result in HTS services being withdrawn from children and young people generally or in these services becoming prohibitively expensive.
57. For post-16 education, local authorities are obliged only to publish (rather than provide) travel arrangements. The Department for Education informs us that most LAs offer some form of subsidised transport, although some provide only minimal support. Consequently, MTEs might influence HTS commissioners to reduce the availability of alternative accessible transport (or increase its cost) for pupils continuing in education post-16. A mitigating factor is the requirement for post-16 transport support for young people with special educational needs and disabilities (SEND) who have a named education establishment in their Education Health and Care plan, which will be assessed against the local authority's post-16 transport policy.
58. The graduated approach to implementing MTEs over a four-year period should allow both operators and commissioners to plan for increases in the cost of meeting the Compliance Schedule more effectively than would be the case with a steeper schedule of compliance.
59. Our assessment with respect to disability is also applicable to older disabled people, although this is more relevant to RR. Providing a greater number of compliant coaches will allow more older (and younger) disabled people to travel alongside non-disabled passengers. Older (and younger) people who may not consider themselves to be disabled but who have mobility issues would also benefit. The requirement to provide alternative accessible transport for RR services where there are no PSVAR-compliant vehicles mitigates against discrimination on the grounds of age, resulting in a minimal overall negative impact on older (and younger) disabled rail passengers. The mitigations against discrimination on the grounds of disability (gradually increasing compliance and a robust communications plan engaging the relevant stakeholders) are also relevant to age-related discrimination as it applies to RR.

Equality Assessment: sex

60. We have concluded that the protected characteristic of sex is of minimal relevance to issuing MTEs. Some disabilities (e.g. autism) are more common among one sex. However, the sex of a person, regardless of their disabled or non-disabled status, is not relevant to their ability to access RR and HTS services. Single sex schools might be considered a possible exception, but these schools are not any more or less likely than co-educational schools to be affected by MTEs, and it is still less likely that either boys' or girls' schools will be affected more or less significantly than the other.



Equality Assessment: gender reassignment

61. We have concluded that the protected characteristic of gender reassignment is not relevant to issuing MTEs. The policy affects the provision of HTS and RR services, which may include transport for adults and children who are transsexual, as part of wider populations. We have not identified any way in which the provision or non-provision of services, or indeed their compliance with PSVAR, would affect transsexual passengers differently on account of them being transsexual.

Equality Assessment: marriage or civil partnership

62. We have concluded that the protected characteristic of marriage/civil partnership is not relevant to issuing MTEs. We have not identified any link between marital and civil partnership status and the availability or affordability of HTS or RR transport.

Equality Assessment: pregnancy and maternity

63. We have concluded that the protected characteristic of pregnancy and maternity is not relevant to issuing MTEs. It is possible that parents or guardians accompanying children using HTS services may be pregnant. By gradually increasing the provision of PSVAR-compliant coaches we may be easing pressure on those who currently accompany their children by taxi.

Equality Assessment: race

64. We have concluded that the protected characteristic of race is not relevant to issuing MTEs. The policy affects the provision of HTS and RR services for adults and children of any race, colour, or nationality. We have not identified any way in which the provision or non-provision of HTS services, or indeed their compliance with PSVAR, would affect some passengers differently on account of differences in their race, colour or nationality.

Equality Assessment: religion or belief

65. We have concluded that the protected characteristic of religion or belief is not relevant to issuing MTEs.
66. LAs provide HTS transport for certain qualifying state school pupils free of charge and provide (for example, by commissioning) coaches for this purpose. Where those coaches are not accessible, LAs must provide alternative accessible transport for disabled pupils. The Department for Education informs us that LAs also provide a small amount of HTS coach transport free of charge on a discretionary, non-statutory, basis, but some services still operate with parents being charged. Where discretionary transport has been withdrawn, some schools have stepped in to arrange transport for their pupils. These are often faith schools, and they will usually charge parents for this service. While



faith schools can draw from larger catchments than maintained schools, and this might have an impact on HTS demand and provision, this is not a situation unique to such schools. Furthermore, HTS services to faith and other specialist schools and colleges rarely carry passengers entitled to free transport and are not considered relevant to this assessment.

67. With regards to RR services, we have not identified an obvious link between religion and faith and improving compliance through MTEs.

Equality Assessment: sexual orientation

68. We have concluded that the protected characteristic of sexual orientation is not relevant to issuing MTEs. Implementing MTEs will improve the provision of both HTS and RR services for adults and children of any sexual orientation. We have not identified any way in which the provision or non-provision of either services, or indeed their compliance with PSVAR, would affect some passengers differently on account of differences in their sexual orientation.

2.3 Summary of the Analysis

69. We believe that the overall effect of our policy on individuals with protected characteristics is likely to be marginal but positive. This is subject to the caveat that we do not have quantitative data on the use of coaches for HTS and RR services by individuals with specific protected characteristics.
70. The protected characteristic of disability is the one most likely to be impacted by MTEs. Our policy is intended to increase PSVAR compliance so that more disabled passengers can access HTS and RR services.
71. We do not expect that operators will comply at a faster rate than required by the Compliance Schedule. However, it is possible that by increasing the proportion of coaches used for HTS and RR services that are PSVAR compliant in line with the Compliance Schedule, operators will improve accessibility for other services they provide (i.e. compliant vehicles may also be used for non-HTS or RR services).

Section 3

3.1 Decision Making

72. MTEs will operate from 1 July 2022 to 31 July 2026. Our goal is to make life easier and better for disabled passengers, and we believe that MTEs are the best way forward in providing a solution which:
- a. encourages compliance with PSVAR so that more disabled people can travel alongside non-disabled passengers;
 - b. ensures HTS and RR services can continue to operate;
 - c. reduces uncertainty for operators and commissioners of HTS and RR services; and
 - d. avoids SMB operators going out of business so that provision of HTS and RR services is maintained in areas where SMBs are the sole providers of such services.
73. In section 2, we described the likely impact of implementing MTEs on individuals with protected characteristics. We have concluded that increasing the number of PSVAR-compliant coaches over a four-year period will be of overall benefit to those with protected characteristics, even though the benefits will be realised gradually over those four years. We have also considered the possible unintended consequences, such as the risk of RR and HTS services being withdrawn, and how we will mitigate against these.
74. Subject to monitoring (as set out below in section 3.2), once MTEs are in place, we consider that it will not be necessary to make any further adjustments to MTEs as a consequence of conducting this equality impact assessment.

3.2 Monitoring arrangements

75. Through DVSA's inspection regime, we should obtain a good understanding of how well operators are complying with the MTE requirements. Quantifying the impact of introducing MTEs will be challenging, given that they require a gradual increase in compliance over a four-year period. Information will be sought via ongoing engagement with DPTAC and ATCO, the Devolved Administrations, and operator trade bodies such as CPT and UKCOA. This will help us to identify any risks or unintended consequences that might arise from the policy.

Annex A: MTE Compliance Schedule

Band A requirements

For fleet sizes between 1 and 5 vehicles.

From 1 July 2022 until 31 July 2023: Full exemption from PSVAR.

By 1 August 2023: At least 25% of fleet partially compliant.

By 1 August 2024: At least 50% of the fleet partially compliant.

By 1 August 2025: At least 1 fully compliant vehicle, with the rest of the fleet partially compliant.

Band B requirements

For fleet sizes between 6 and 9 vehicles.

From 1 July 2022 until 31 July 2023: Full exemption from PSVAR.

By 1 August 2023: At least 25% of fleet partially compliant.

By 1 August 2024: At least 1 fully compliant vehicle and at least 50% of the rest of the fleet partially compliant.

By 1 August 2025: At least 2 fully compliant vehicles, with the rest of the fleet partially compliant.

Band C requirements

For fleet sizes between 10 and 29 vehicles.

From 1 July 2022 until 31 July 2023: Full exemption from PSVAR.

By 1 August 2023: At least 25% of fleet partially compliant.

By 1 August 2024: At least 15% of the fleet fully compliant and at least 50% of the rest of the fleet partially compliant.

By 1 August 2025: At least 25% of the fleet fully compliant, with the rest of the fleet partially compliant.

Band D requirements

For fleet sizes of 30 vehicles or more.



From 1 July 2022 until 31 July 2023: Full exemption from PSVAR.

By 1 August 2023: At least 15% of fleet partially compliant and at least 25% of the rest of the fleet partially compliant.

By 1 August 2024: At least 25% of the fleet fully compliant and at least 50% of the rest of the fleet partially compliant.

By 1 August 2025: At least 35% of the fleet fully compliant, with the rest of the fleet partially compliant.

Compliance schedule definitions and notes

'Fleet' refers to the total number of vehicles used for HTS or RR services. Vehicles not used for either HTS or RR services should not be counted. HTS services with no paying customers are not in scope of PSVAR. A vehicle used for HTS or RR services that is temporarily out of service is still considered to be part of the fleet, subject to the judgment of DVSA during any inspection.

'Fully compliant' refers to a vehicle that complies with all paragraphs of schedule 1, concerning facilities for wheelchair users, and schedule 3, concerning other accessibility features of the PSVAR⁷.

'Partially compliant' refers to a vehicle that is not fully compliant but as a minimum complies with schedule 3, paragraphs 2 (floors and gangways), 3 (seats), 4 (steps, excluding sub-paragraphs 1d, 1e, 1f, and 5) and 5 (handrails) of the PSVAR.

This schedule provides the minimum compliance levels. Operators are encouraged to exceed these minimum requirements.

When determining the number of fleet vehicles required to comply via percentage calculation, numbers must always be rounded up, even when the percentage is a decimal point of less than 0.5, for example a calculation equating to 1.3 vehicles would mean 2 vehicles must comply.

⁷ <https://www.legislation.gov.uk/ukxi/2000/1970/contents/made>