

**Consultation on:**

**The abolition of the Disabled Persons Transport Advisory Committee (DPTAC); and**

**The best option for successor arrangements should DPTAC be abolished**

11 June 2012

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# Contents

1. Foreword.....	4
2. Background .....	6
3. Current Position .....	7
4. Disability Issues: Where are we?.....	9
5. Future requirements.....	11
6. The Options .....	14
7. Consultation questions .....	20
8. How to respond .....	20
9. What will happen next? .....	21
Annex A Review Recommendations .....	24
Annex B Letter inviting views.....	29
Annex C Written Ministerial Statement.....	34
Annex D Draft Impact Assessment.....	36
Summary: Intervention and Options.....	36
Summary: Analysis & Evidence Policy Option 1 .....	37
Summary: Analysis & Evidence Policy Option 2 .....	38
Summary: Analysis & Evidence Policy Option 3 .....	39
Summary: Analysis & Evidence Policy Option 4 .....	40
Summary: Analysis & Evidence Policy Option 5 .....	41
Summary: Analysis & Evidence Policy Option 6 .....	42
Evidence Base (for summary sheets).....	44
Equality Impact Assessment.....	52
Annex E Draft Order .....	69
Annex F Draft Explanatory Memorandum .....	76
Annex G Consultation Response form .....	82
Annex H List of Consultees .....	87
Annex I Consultation Criteria .....	89

# 1. Foreword

1.1 The Government wants to achieve equality for disabled people. It believes that disabled people should have the same choices and opportunities as non disabled people. One key factor in enabling disabled people to have these choices and opportunities is the ability to use the transport system. This is reflected in the Department for Transport's vision of a transport system that "improves quality of life in our communities". To do this well, the Department needs to understand the barriers disabled people face in using the transport system and the best way of minimising them.

1.2 The Department is reviewing the process to obtain the best advice in relation to disabled people and their needs in using the transport system. The Public Bodies Act 2011 (PBA) provides a vehicle to allow a wide range of changes to be made to statutory public bodies. The use of the order making powers contained in the PBA is subject to the Minister being satisfied that the order will improve efficiency, effectiveness, economy and accountability. The PBA allows the Government to consider making an order to abolish the existing Disabled Persons Transport Advisory Committee (DPTAC). The Department is minded to use the order making powers to implement the proposals outlined in this consultation paper to improve the advice it receives on the needs of disabled travellers. Any final decision will be subject to considering the responses received from this consultation exercise.

1.3 The PBA requires the Minister to consult on the proposals before reaching a final view on making an order. The Minister invites views and comments on whether DPTAC should be abolished, as the Government has indicated that it is minded to do, and, if it is, what the best successor arrangement is that will enable the Department to continue to obtain advice on delivering a suitable transport system for disabled people. All responses, including those which propose an alternative to the Department's preferred option, will be given due consideration.

1.4 The purpose of this consultation document is to

- explain the wider statutory context of the Public Bodies cross - Government review;
- identify and determine how best to gain advice on delivering a transport system that is accessible to disabled people and those with reduced mobility; and
- to seek views and comments on a range of proposed options for future delivery of advice in this area if DPTAC is abolished.

1.5 There are currently over 10 million disabled people in the United Kingdom and this number is likely to increase in line with an ageing society and their changing mobility needs. It is forecast that, by 2034, the number of people aged 85 and over will be 2.5 times that in 2009, reaching 3.5 million, and accounting for 5 per cent of the total population. The Department needs to ensure that transport services continue to accommodate these needs to enable disabled people to remain active members of society. Improving access to the transport system will not only benefit disabled people, but also the wider community including older people, parents and children.

## 2. Background

2.1 A cross-Government review of Non Departmental Public Bodies (NDPBs) was carried out in October 2010. The review concluded that the public bodies' landscape needed radical reform to increase accountability, reduce duplication of activity, improve transparency and discontinue obsolete activities. The review looked at over 900 bodies, mainly non-departmental public bodies, but also other bodies such as non-ministerial departments and public corporations.

2.2 The Government therefore proposed to reform more than 480 public bodies, and reduce their number by more than 250. A proportion of these are statutory bodies, meaning that these changes will require legislation to take them forward. The Public Bodies Act creates a framework of order-making powers for Secretaries of State, to enable them to take forward change through secondary legislation.

2.3 The review recommended that the Department for Transport's advisory body, DPTAC, should be abolished. The Government has announced that it will need to develop successor arrangements should DPTAC be abolished. Putting the right successor arrangements in place is vital for ensuring the Government continues to receive advice on the needs of disabled travellers and complies with both the public sector equality duty under the Equality Act 2010 and article 4(3) of the UN Convention on the Rights of Persons with Disabilities.<sup>1</sup> Any successor arrangement should ensure that the Department can continue to obtain disability advice, that decisions made by Ministers are clear and transparent, and that new arrangements are flexible and offer better value for money.

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<sup>1</sup> <http://www.un.org/disabilities/convention/conventionfull.shtml>

## 3. Current Position

### **DPTAC – statutory framework**

3.1 DPTAC is a statutory body established by the Transport Act 1985. Its primary function is to provide independent advice to Government, by presenting a pan-disability view on matters relating to disabled travellers in the development of transport policy and any associated legislation, regulation and guidance. DPTAC has a statutory duty to consider any matter, relating to the needs of disabled persons in connection with transport, referred to it by Transport Ministers, or to provide advice on any issues it thinks relevant to the transport needs of disabled people. The funding budget for DPTAC in 2010-11 was £496,000 covering administrative spend (including pay for the secretariat), members' remuneration and general expenses. This budget was based on a complement of 19 members and a secretariat of 6. Since 1 January 2011, DPTAC has had 12 members. DPTAC is supported in its functions by a secretariat provided by the Department comprising of 2 members.

### **Who sits on DPTAC and how is it organised?**

3.2 DPTAC's membership includes disabled people with a broad range of experience of using transport, working alongside professional people dealing with disability and transport. The DPTAC members have a collective responsibility to fully consider disability issues and take account of all relevant factors, including any guidance issued by the Department or responsible Minister. The DPTAC Chair has a particular responsibility for ensuring that DPTAC meets at appropriate intervals, for representing DPTAC views to the general public and ensuring new DPTAC members are briefed on appointment and their training needs considered.

3.3 The Department has valued the fact that DPTAC has been able to look at how things work in practice and to identify gaps in provision.

### **DPTAC functions**

3.4 DPTAC continues to provide pan-disability advice to the Department for Transport and others on a wide range of issues related to disabled people and making travel accessible for those with reduced mobility. DPTAC has advised the Department on matters such as the Blue Badge Scheme, Shared Space and Travel Training. DPTAC is also working closely with the Olympics Delivery Authority on accessibility for the London 2012 Olympics and Paralympics. It

continues to advise the DfT Rail 'Access for All' programme and other rail developments, including exemptions from the rail vehicles regulations and dispensations from the stations code of practice.

## **DPTAC review**

3.5 A light touch review of DPTAC was carried out in 2008 which largely supported the retention of its specialist role in providing independent advice to Government. The review also suggested that the DPTAC functions could be delivered more cost effectively. Overall, the review concluded that DPTAC needed to have a clearer focus. The report's recommendations (and DPTAC's response) are at Annex A.

3.6 In 2009, following the review, DPTAC revised its strategy and incorporated a work programme into its three year business plan. These reforms have improved the DPTAC focus, but the Department's view is that a clearer delivery focus would be beneficial to the needs of the disabled traveller. The Department believes that this could be effectively achieved by policy officials in the Department directly seeking the views of a wider number of representatives of disabled passengers.

3.7 Ministers view the statutory framework and NDPB structure under which DPTAC operates (specifying membership requirements and regularity of meetings, and the need for a standing secretariat) as being outdated and restrictive, lacking the flexibility and accountability needed to meet the Department's current needs. Ministers believe that there is scope to reform and improve the way disability advice is delivered, in order to provide better value to the taxpayer and a more effective mechanism to address the transport barriers facing disabled people.

3.8 DPTAC's remit is to focus on the needs of disabled people whereas any successor arrangements could ensure that the Department is able to obtain more wide ranging advice on meeting the transport needs of others in the community, including all those with reduced mobility.



## 4. Disability Issues: Where are we?

4.1 The Government's approach to meeting the needs of disabled passengers and addressing issues of disability has moved forward significantly since 1985 when DPTAC was established.

4.2 Legislative provisions for improving access to transport are in place and transport operators, local authorities and other transport bodies are now expected to incorporate the needs of disabled people into the mainstream of their transport planning and delivery. The Equality Act 2010 includes a public sector equality duty which requires public bodies to have 'due regard' to equality issues, including disability, in their decision making and in delivering services. Furthermore, the UN Convention on the Rights of Persons with Disabilities specifically provides, under Article 4(3), that State Parties shall "closely consult with and actively involve persons with disabilities...through their representative organisations" in any decisions concerning issues relating to them.

4.3 A great deal has been achieved in recent years to remove the barriers that prevent people accessing public transport. The percentage of disabled people experiencing difficulty using transport has decreased from 25% in 2005 to 22% in 2009.<sup>2</sup> Nationally, we have "end dates" by which buses and coaches designed to carry more than 22 passengers on local services are accessible. These range from 2015 to 2020. Currently, 61% of buses (100% in London) meet regulatory requirements and 89% are low floor. A similar end date (2020) exists for rail vehicles. Already, over 6600 carriages meet modern access requirements, including 46% of trains. We also have the Access for All programme which aims to make 153 priority rail stations obstacle and step-free by 2015. Both disabled and older people continue to enjoy free off-peak travel on local buses anywhere in England.

4.4 Other developments include the trialling of a new front-end booking system by the Association of Train Operating Companies – Passenger Assist – which is being introduced across the network. This should result in a system that is more reliable and easier to use for disabled passengers and rail staff.

4.5 However, it is accepted that there is still more to be done on addressing disability issues. We know that there are issues that still need to be looked at such as information provision (gaps in the accessibility of information systems, a lack of information in appropriate formats etc); the pedestrian environment (lack of accessibility to transport boarding points); space and design (including user conflict such as buggies versus wheelchairs, or children's versus older people's

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<sup>2</sup> 2010 British Social Attitudes Survey (NatCen)

seating on buses, step heights and luggage space); and others. Consequently, we do not want to lose access to meaningful and impartial disability advice.

4.6 The Government is committed to ensuring disability issues continue to be taken into account and that it obtains the advice it needs to ensure that the interests of disabled people and those with reduced mobility are fully reflected in policy development and delivery.

## 5. Future requirements:

5.1 The cross-Government review of Non Departmental Public Bodies carried out in October 2010 concluded that reform was needed to increase accountability, reduce duplication of activity, improve transparency and discontinue obsolete activities. In line with the goals of this review, the Department is minded to abolish DPTAC subject to this consultation but needs to ensure it continues to have access to specialist advice on the practical issues facing disabled people using the transport network. Any new arrangements will need to:

- (i) continue to deliver pan-disability, specialist advice; but
- (ii) have more flexibility over working arrangements and appointments;
- (iii) be more directly accountable to Ministers; and
- (iv) be more cost effective and represent better value for money.

5.2 In light of these criteria, the Department has developed a number of options for securing specialist advice on disability transport issues, should the Department make an order to abolish DPTAC.

5.3 In advance of this consultation, the Department invited those with an interest in DPTAC to submit their views and any supporting evidence by 21 July 2011. A workshop was held on 11 July 2011 so that possible successor options could be discussed and explored in more detail. The options that follow have been refined in line with views expressed in the workshop and responses received from the call for evidence. The letter seeking views and inviting attendance at the workshop, with the original options presented for consideration is at Annex B.

5.4 We received 45 responses to the call for evidence and 21 stakeholders attended the workshop. A review of the written responses showed that 39% of respondents wanted to retain DPTAC in its current form; 24% wanted a combination of options (described below), while 21% wanted a wide ranging panel of experts from which members could be selected on an ad hoc basis when specific advice was needed, as well as an annual meeting of all specified stakeholders where wider concerns could be voiced.

5.5 At the workshop the overall consensus was that a combination of the presented options would provide the most effective way of ensuring the Department continued to have access to specialist advice.

Below is a summary of the views of responses from the call for evidence (workshop):

Summary:

	<b>Options</b>	<b>Pros</b>	<b>Cons</b>
1.	<b>Rely on policy divisions within the Department to go out directly to stakeholder groups, the transport industry, and experts.</b>	Flexible working arrangements. Cost effective	May lack a pan-disability approach. May rely too heavily on officials' advice. Lack of knowledge by officials on whom to engage with
2.	<b>A wide ranging panel of experts from which members could be drawn, on an ad hoc basis, when specific advice is needed.</b>	Pan-disability approach. Flexible working arrangements.	May lack accountability to Ministers. Requires a two person Secretariat.
3.	<b>Establish a stakeholder forum, which could be convened and provide advice as and when issues arose.</b>	Directly accountable to Ministers. DfT could ensure wide pan-disability coverage through membership. Cost effective	May lack flexibility. Limited leverage to ensure speedy last minute advice if that was needed.

4.	<b>Rely on a cross-government body such as Department for Work and Pensions' existing (non statutory) Equality 2025</b>	Directly accountable to Ministers. Already in existence and ensures public bodies landscape is more consistent.	May lack transport expertise. May lack flexibility.
5.	<b>Implement a combination of a cross-government body (Equality 2025) and a panel of experts</b>	Directly accountable to Ministers. Flexible working arrangements, Pan-disability approach on disability issues.	Requires Secretariat/ administrative support.
6.	<b>DPTAC continues as a statutory body.</b>	Pan-disability approach on disability issues.	Lacks flexibility. May lack accountability to Ministers. Does not provide vfm and is not affordable at a cost of £0.5m per annum.

A summary of the views of responses from the call for evidence is at Annex D – 'Draft Impact Assessment (Annex A)'.

## 6. The Options:

**Option 1: Rely on policy divisions within the Department to go out directly to stakeholder groups, the transport industry and experts.**

**Option 2: A wide ranging panel of experts from which members could be drawn, on an ad hoc basis, when specific advice is needed.**

**Option 3: Establish a stakeholder forum, which could be convened and provide advice as and when issues arose.**

**Option 4: Rely on a cross-government body such as the Department for Work and Pensions' existing (non statutory) Equality 2025.**

**Option 5: Implement a combination of a cross-government body (Equality 2025) and a panel of experts.**

**Option 6: DPTAC continues as a statutory body.**

**These options have been developed through discussions with users of DPTAC and representatives of disability groups. There may be other options that are identified as part of the consultation and they will also be considered before a final decision is made. Further analysis of the options is contained within the Draft Impact Assessment attached at Annex D.**

## **Option 1: Rely on existing expertise in DfT policy divisions and agencies.**

At early stages in the policy development and delivery process, policy leads would seek specific advice on disability issues from groups able to represent disabled people. It would ensure disability issues were considered in all areas of policy with policy leads seeking appropriate advice when required. It would reflect best practice in stakeholder management, where all relevant groups, including those representing disabled people, are consulted and kept informed as the policy and delivery process is developed. The Sustainable Travel and Equalities team in the Department would assist policy leads in identifying relevant stakeholders or groups.

Many parts of the Department already adopt this approach without necessarily seeking DPTAC advice. It would therefore be a matter of extending the practice so that it was replicated and disseminated across the Department. For example, over the past 18 months, the aviation team have tended to consult/get advice from third party (disability) groups and private bodies, e.g. airlines, airports, the Civil Aviation Authority (CAA) and individuals with experience of disability issues.

We recognise that this option may entail a greater risk of not getting pan-disability advice as each policy division would only seek advice from specific stakeholders who may not represent all disabilities. The advice may therefore not be as representative and comprehensive as required. This option has no specified costs.

## **Option 2: A wide ranging panel of experts from which members could be drawn, on an ad hoc basis, when specific advice is needed.**

This option entails having a panel of people (with a broad range of knowledge and expertise on disability issues) who would be willing to provide advice to the Department on transport disability issues when required.

The panel could be structured into subgroups representing various areas of expertise and knowledge. The subgroup structure could include a strategic group that could provide advice on departmental disability strategy and specialist groups, such as a rail group, that could provide specialist advice on rail issues. The members could be included in more than one subgroup where appropriate.

Policy leads within the Department could approach the appropriate group from within the panel of experts for the required advice.

This option is similar to option 1 except that it formalises the groups of people forming the panel, who are able and willing to provide advice on transport disability issues, rather than relying on policy leads to identify the appropriate groups. This option could have the added benefit of exposure to wider advice, as the groups would be likely to be familiar with pan-disability issues.

This option would require a dedicated resource to help manage the pool of people and the engagement between policy leads and the group. The Department envisages the need for a secretariat at a cost of around £70,000 per year. This option assumes that members are not reimbursed (except for expenses) and therefore there are no costs of the panel.

**Option 3: Establish a stakeholder forum, which could be convened when advice was required.**

This model would be similar to option 2 except that it would involve around 20 people who would both represent their organisation and provide a range of pan-disability advice, either meeting 2 or 3 times a year or when needed. The meeting would be chaired by a senior DfT official or a Minister. The members of the stakeholder forum would be unpaid (except for expenses) and would include representatives from disability groups, the devolved administrations and transport operators.

The stakeholder forum would provide strategic and general advice. Smaller working groups (made up of the stakeholder forum members) could provide the flexibility and responsiveness that is needed by various policy divisions and look into issues in more detail between forum meetings. Policy divisions would seek advice from members on specific issues.

The benefit of this option is that it would help identify issues through stakeholders and enable actions to be agreed, but this would require a dedicated resource to help manage the pool of people and the engagement between policy leads and the group. To achieve this outcome, a secretariat of one person is envisaged at a cost of around £35,000 per year.

We recognise that this option may entail a greater risk of not getting pan-disability advice as it would be limited by the stakeholder members who may not represent all disabilities. The advice therefore may not be as representative and comprehensive as required.

**Option 4: Rely on a cross-government body (Department for Work and Pensions' existing (non statutory) Equality 2025).**

Equality 2025 is sponsored by, but not part of, the Office of Disability Issues/Department for Work and Pensions (DWP). It is a non statutory non-departmental public body made up of disabled people and has nine members and a Chair. Equality 2025 already has a wide remit to look at issues that affect disabled people, but they do not currently look at specific issues such as transport which could be included by broadening the scope of the group.



The group offers strategic, confidential and independent advice to government on issues that affect disabled people. This advice can include participation in the very early stages of policy development or in-depth examination of existing policy.

The group works with ministers and senior officials across Government but reports to the Minister for Disabled People, Maria Miller MP. The Chair meets with the Minister every month. DfT Ministers could receive copies of Equality 2025's advice notes where they referred to transport issues.

This model would offer a rationalised source of advice on disability issues. Disability advice is currently available from a wide variety of sources which can make it difficult to identify the appropriate body to provide the required advice. This model could simplify the process for obtaining the necessary disability advice. Adopting this option would be consistent with the Government's commitment to reduce public expenditure while retaining the Department's ability to receive independent pan-disability advice.

This option would provide a cross-government view on transport issues, bringing together impacts on health, social care, etc. It would reflect advice based on a wider societal view rather than being restricted to the transport aspects of an issue. However, the members do not have the necessary transport expertise, so there is a risk that pan-disability advice on transport issues generally or specific technical advice is likely to be limited. This could be mitigated by appropriate training of existing members or by broadening or including a transport skill set within the next membership recruitment round of Equality 2025. Further, Equality 2025 primarily provides strategic policy so the Department would need to obtain specialist transport technical advice elsewhere.

The Department also recognises that this option may pose a further risk in relation to receiving pan-disability advice since any advice would be limited by the membership make-up of Equality 2025. Any advice provided may not be as representative and/or as comprehensive as required, especially since transport would be only one of its interest areas.

### **Option 5 - Cross Government Body (Equality 2025) and panel of experts**

This model would combine an organisation such as Equality 2025 providing advice of disability strategy, including transport policy, with a pool of members providing disability advice on detailed transport policy development and delivery. The pool of members would be the same as described in option 2, and the benefits and risks of Equality 2025 are described in option 4.

The pool of members would be similar to option 2. As per option 2, this option would require a secretariat of two people at a cost of around £70,000 per year. This option assumes that members are not reimbursed and therefore there is no additional cost.

## **Option 6 - DPTAC continues as a statutory body.**

This option would retain the Disabled Persons Transport Advisory Committee as a statutory body. It would work as it currently does, with policy leads seeking advice and expertise from the Committee.

The Committee has a mix of strategic and technical knowledge, and is therefore able to provide advice on a large variety of disabled transport related issues.

The current number of members is 12 which may mean that the advice is not representative of all disabilities or disabled groups. The lack of focus in the past has led to DPTAC taking forward detailed work on some areas which may not have been consistent with the priorities of the Government and thus Ministers feel that the advice provided on strategic issues may not be timely or address issues of concern. Over the past year there has been a clearer focus on its work plan and deliverables.

Since April 2009, members of the committee have been reimbursed for their time. That, and the requirement for a secretariat, means that DPTAC had a budgeted cost of £496,000 in 2010-11, which reduced to £457,000 (in 2011-12), and was planned to fall to £422,000 (in 2012-13), £391,000 (in 2013-14) and £363,000 (in 2014-15). This assumes a full complement of 12 members.

The costs are split as follows: 2010-11 Secretariat - £226, 500 (members - £270,000); 2011-12 secretariat - £110,000 (members £347,000).

DPTAC's remit is to only look at the needs of disabled people, whereas any successor arrangement could ensure that the Department obtains advice on the needs of not only disabled people but others with reduced mobility (primarily older people).

### **Summary:**

New arrangements will need to:

- (v) continue to deliver pan-disability, specialist advice; but
- (vi) have more flexibility over working arrangements and appointments;
- (vii) be more directly accountable to Ministers; and
- (viii) be more cost effective and represent better value for money.

The Draft Impact Assessment covering these options can be found at Annex D. When responding to this consultation, please comment on the analysis of costs and benefits, giving supporting evidence wherever possible.

### **Any Other Proposal**

If you have any other proposals or options for ensuring the Department continues to deliver pan-disability, specialist advice, please could you let us know.

## 7. Consultation questions

**Q1: Do you agree with the assumptions made in the Draft Impact Assessment? Y/N Please comment, giving supporting evidence.**

**Specific Consultation Questions:**

**Q2:** Which option in your opinion provides more flexibility over working arrangements and appointments and please could you state your reasoning?

**Q3:** Which option in your opinion provides the most accountability to Ministers and please could you state your reasoning?

**Q4:** In your opinion, how important is it that the option chosen is able to provide advice that is representative of all disabilities and disabled groups? Please state your reasoning and provide examples of the implications on disability issues of advice not being representative.

**Q5:** In your opinion, how important is it that the option is able to provide advice on technical matters? Please state your reasoning and provide examples of the implications on disability issues of not providing advice on technical matters.

**Q6:** In your opinion, how important is it that the option is able to provide cross government advice on transport disability issues, bringing together impacts on health, social care etc.? Please state your reasoning and provide examples of the implications on disability issues of not providing cross-government advice.

**Q7:** Do you agree with the benefits and costs presented in the Impact Assessment for each of the options? Are there any other benefits, costs and risks that we need to consider? Please state your reasoning and provide supporting evidence

**Q8:** Considering your responses to above, what in your opinion is the best option/combination of options?

**Q9:** Are there other options that we need to consider? Please explain these in detail, including providing information on the benefits, costs and risk of the option. Please provide supporting evidence.

**Q10:** Do you think that DPTAC should be abolished? Please state your reasons.

**Please respond using the template at Annex G – Consultation response form.**

## 8. How to respond

We would welcome your views on the proposals and any other suggestions you may have. If you think an organisation or individual not included on the list of consultees at Annex H should receive a copy of the consultation please pass on a copy.

Please ensure that your response reaches us by 14<sup>th</sup> September 2012.

Further copies of this consultation can be found at:  
[www.dft.gov.uk/consultations/open](http://www.dft.gov.uk/consultations/open) or you can contact the Department on the email address below if you would like an alternative format (Braille, audio CD, etc).

Responses should be sent to [DPTACConsultation@dft.gsi.gov.uk](mailto:DPTACConsultation@dft.gsi.gov.uk) or to the address below:

Disability Advice (re DPTAC)  
Department for Transport  
Sustainable Travel and Equalities  
Zone 2/15  
Great Minster House  
33 Horseferry Road  
London SW1P 4DR

If you have any queries during this period, please contact the Department via the above email address.

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a large organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

The Government will consider all suggestions on proposals for successor arrangements in response to this paper.

Your opinions are valuable to us. Thank you for taking the time to read this document and responding.

## Freedom of Information

Information provided in response to this paper, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals with, amongst other things, obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act 1988 and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties. A list of those to whom the consultation is being sent is attached at Annex H. If you have any suggestions for others to be consulted please contact us.

## 9. What will happen next?

A summary of responses, including the next steps, will be published within three months of the consultation closing on [/www.dft.gov.uk/consultations](http://www.dft.gov.uk/consultations). Paper copies will be available on request.

# Annex A Review Recommendations

## 2009 Review of DPTAC

### DPTAC'S RESPONSE TO THE RECOMMENDATIONS IN THE REVIEW REPORT BY MICHAEL FAULKNER

Recommendations	DPTAC's Response
1. Recommend that DPTAC should remain in being for now, either with its current remit or, if desired, with an additional responsibility to consider the needs of persons with reduced mobility. It would be sensible to review it again in another five years or so. (Paragraph 130, page 46)	<p>DPTAC is pleased by the recommendation that we should continue our work. We share the view that much still needs to be done to ensure that disabled people can travel with the same freedom as non-disabled people.</p> <p>Our remit already covers the majority of people described as 'persons of reduced mobility' although we are aware that not everyone with impairment considers themselves to be disabled. We will give further consideration to whether our remit should go further to include people whose mobility is reduced by factors such as heavy luggage or accompanying babies or young children.</p>
2. Performance management of members should be sharpened up, in conjunction with the introduction of pay for members. Re-appointments should be made only where there is convincing evidence of strong performance. The pay system should as far as possible be designed to reward useful and necessary effort. When vacancies arise, DfT should explore opportunities to increase the Committee's expertise on cognitive disabilities. (Paragraph 134, page 46)	<p>DPTAC welcomes this recommendation. We recognise that with the introduction of payment for members there comes a responsibility to tighten up our performance management. We expect this process to encourage members to reflect on their contributions to DPTAC and whether they are making an effective contribution.</p> <p>We are of the opinion however that the technical nature of much of the work of DPTAC means that many members are only able to give of their best part way</p>



	<p>through their first term of office, and that a second term should not necessarily be considered unusual in order to retain valuable expertise.</p> <p>Historically appointment to DPTAC has not been made on the basis of representation of an impairment group. All members are expected to look beyond their own experiences of disability in their contributions to DPTAC's deliberations. While acknowledging that we would benefit from greater representation of people with cognitive impairments we are reluctant at this stage to specifically target the appointment of someone with such an impairment. We will however take steps in the current (and if necessary future) round of recruitment to encourage applications from people with cognitive impairments. If these measures are unsuccessful we will return to this recommendation in future.</p>
<p>3. DfT, with the Chairman, should keep the Secretariat team under review, and consider making further adjustments, or introducing other supplementary sources of support, if appropriate. (Paragraph 135, page 47)</p>	<p>DPTAC welcomes this recommendation and will seek to work with the Department for Transport on its implementation.</p>
<p>4. Review of DPTAC strategy from a baseline assessment of the available evidence on transport opportunities and problems facing disabled people, and of how these are likely to evolve under current</p>	<p>DPTAC welcomes the recommendation on strategy development. We acknowledge that our existing Strategy has weaknesses as well as strengths and these suggestions will help us ensure that the next Strategy</p>

<p>policies. DPTAC to determine its own priorities for action, in close liaison with DfT to ensure effective sharing of the knowledge base and clarity over the Department's expectations of the Committee. (Paragraph 139, page 47)</p>	<p>is more robust and addresses the opportunities and problems facing disabled people. We agree that it is sensible that the Strategy is developed in liaison with DfT and reflects the plans and priorities of the Department, while ensuring that DPTAC retains its independence.</p>
<p>5. Developing a 'top down' annual work plans flowing from agreed strategy. (Paragraph 140, pg 48)</p>	<p>We agree that Annual Workplans should be developed within the framework of the Strategy, while allowing scope for Working Groups to input their own knowledge of the activities in their specialist field which will be most effective in achieving the objectives of the Strategy. The Annual Workplan will as ever be agreed by the full DPTAC Committee which will ensure that the proposals from Working Groups directly address the priorities in the Strategy.</p>
<p>6. DPTAC should review its Working Group structure and working methods at least once a year. (Paragraph 143, pg 48)</p>	<p>DPTAC welcomes this recommendation which ratifies the Committee's own resolve to make the best use of our time and resources. DPTAC had embarked on a review of its structure and working methods which is ongoing. It welcomes the recommendation on greater use of 'task and finish' groups, flexible and remote working practices, while also noting that our members are busy people who are based throughout Great Britain who do not find it easy to attend meetings at short notice.</p>
<p>7. If legislative opportunity arises, AEU should consider removing the statutory requirement for the Main</p>	<p>While agreeing with the recommendation on removing the legal requirement for DPTAC Main Committee to meet four</p>

Committee to meet at least four times a year. (Paragraph 144, pg 49)	times a year, DPTAC questions whether this should be a legislative priority. Although it accepts that removing this legal requirement would offer some flexibility, it nonetheless considers a minimum of four Main Committee meetings per year as just about right.
8. The Committee should consider adding a few members to its Coordination and Overview Group, with a view to injecting fresh thinking on forward strategy. (Paragraph 145, page 49)	DPTAC will reflect on this recommendation in the light of membership changes in the current year. DPTAC is pleased that within a short period of time COG is seen as playing an important role in the working of DPTAC. We will consider how best to involve additional members in COG in a way which makes best use of the expertise of individual members and ensures continuity of decision-making.
9. The Committee should consider the scope for offering more advice to the Secretary of State off their own bat, particularly on strategic issues, rather than merely reacting to requests and consultations. (Paragraph 148 page 50)	DPTAC agrees with this recommendation to offer more advice to the Secretary of State on its own initiative. DPTAC believes that there may be particular scope to do this on European matters but not exclusively.
10. DPTAC should work with EHRC to establish a concordat on their working relations, as was previously done with DRC. (Paragraph 149 page 50)	DPTAC agrees with the recommendation to maximise its collaboration with key stakeholders such as the Equality and Human Rights Commission to ensure better outcomes for disabled people. DPTAC is committed to strengthening its links with EHRC and will discuss with them whether they feel that a concordat is appropriate.
11. The working relationship between DPTAC and MACS should be reviewed in the	DPTAC agrees with the recommendation to maximise its relationship with partner

<p>New Year, once MACS has been reconstituted. There may be scope for securing liaison and co-operation in more cost-effective ways than are provided for in current concordats. (Paragraph 151, page 50)</p>	<p>organisations like MACS. It is currently undertaking a review of its concordat with MACS for greater effectiveness.</p>
<p>12. WAG, DfT and DPTAC should explore possible machinery for DPTAC to provide informal advice on devolved transport matters in Wales. (Paragraph 152, pg 50)</p>	<p>DPTAC welcomes this recommendation and will seek to work with the Department for Transport and WAG on its implementation.</p>
<p>13. In the current review of the communications strategy, the Committee needs to determine more precisely how it wishes to position itself and its output in the consciousness of its various target audiences, and why, and to establish clear priorities. (Paragraph 154, page 51)</p>	<p>DPTAC accepts this point which supports its own approach of setting up of a media sub-group for greater effectiveness in its strategic communication. The work of the media sub-group has been making an impact.</p>

# Annex B Letter inviting views

**From the Parliamentary  
Under Secretary of State**

Great Minster House  
76 Marsham Street  
London SW1P 4DR

Tel: 020 7944 2566  
Fax: 020 7944 4309  
E-Mail: [norman.baker@dft.gsi.gov.uk](mailto:norman.baker@dft.gsi.gov.uk)

Web site: [www.dft.gov.uk](http://www.dft.gov.uk)

11 June 2011

Dear

**Public Bodies Bill – Disabled Persons Transport Advisory Committee (DPTAC): Seeking Views and evidence to inform the Department for Transport of possible successor arrangements**

I am writing to seek your views about possible successor arrangements to the Disabled Persons Transport Advisory Committee (DPTAC) and to invite you to a **workshop on 27<sup>th</sup> June or 11<sup>th</sup> July** to discuss the possible options. I would also welcome in writing any further comments you have by **21<sup>st</sup> July 2011**.

DPTAC's primary function is to provide independent advice to Government on the impacts of; transport policy development, legislation, regulation and guidance as they affect travellers with disabilities. The Public Bodies Bill is currently before Parliament and as currently drafted allows the Government to make an Order abolishing DPTAC. If the Bill is passed with this provision in it I am minded to abolish DPTAC.

The Government's approach to disability has moved forward significantly since 1985 when DPTAC was established. At a practical level, although there is still more that could be done, for example in areas such as information provision. I am happy to say that access to public transport for disabled people has been much improved. Legislative provisions for improving access to public transport are in place and rather than seeking access for disabled people as a specialist topic, transport operators, local authorities and other transport bodies across the sector are now expected to incorporate their needs into their mainstream transport planning and delivery.

The Government believes that there is scope to reform and improve the way disability advice is provided to increase flexibility and accountability to the taxpayer, but the final decision on whether or not to abolish DPTAC will be subject to consultation, most likely this Autumn. No final decision on abolition will be made until I have taken into account the responses to that consultation.

In advance of any consultation, I would like to hear the views of all those with an interest on what successor arrangements should be put in place if DPTAC is abolished. I am seeking to ensure that any successor arrangement will continue to provide my Department with consensual, pan-disability advice in a flexible way and that any arrangement represents good value for money.

I am now inviting your views on the options listed below:

- Option 1: Rely on existing expertise in the Department for Transport, including its agencies. Where ad-hoc specific advice is needed, it could be sought by individual policy divisions from third party stakeholder groups, the transport industry, and experts. This would have minimal cost (although commissioned consultancy advice could be expensive) but perhaps risks disability issues being overlooked.
- Option 2: Establish a stakeholder forum, which could be convened and provide advice as and when issues arose. Again this would have minimal cost, but could result in an increased consultancy bill (additional consultancy may be required by policy leads – which could be expensive). It might also be difficult to decide who to appoint to the forum. There are over 50 disability groups, and their interests sometimes conflict (e.g. the interests of the visually impaired, and those using mobility scooters). Achieving consensus could therefore be difficult.
- Option 3: Rely on a cross-government body to provide transport advice – for example the existing (non statutory) Equality 2025, run by the Department of Work and Pensions. This option should ensure that disability issues do not get overlooked. Equality 2025 is likely to be able to offer general advice – for example on transport access to the Olympics by disabled people – but would not be in a position to offer more specialist advice, such as the type of mobility scooter models suitable to be carried on public transport.
- Option 4: Establish a non-statutory specialist body which would be flexible and accountable to Ministers. This may cost more than the options above, but should be less expensive than the current arrangements. However, a smaller body, because of its size, may not cover all disability areas, and therefore could reduce the scope of pan-disability advice available.
- Option 5: A wide ranging panel of experts from which members could be called on an ad hoc basis when specific advice is needed. A once a year

meeting of all specified stakeholders could be held so that they all have the opportunity of voicing wider concerns.

My initial thinking is that option 5 would be the most appropriate path to take, but I would welcome views to inform my decision making in this area.

I have also published the options above in a written statement to Parliament.

I would particularly welcome your views on some questions which will be discussed at the workshops and are attached (Annex A). Significant policies in Government require an impact assessment to be produced and so it would be helpful if you could submit any evidence on the costs and benefits of the various options.

I would be grateful if you could let my officials know whether you wish to attend the workshop on either 27<sup>th</sup> June or 11<sup>th</sup> July by 17<sup>th</sup> June. Please note that while we will endeavour to meet your request this may not be possible. I regret that we will only be able to accommodate one representative from your organisation as space is limited.

The workshops will be held at the address below and will start at 11am and aim to finish at 4pm.

Department for Transport  
Zone 1/23a Concordia  
Great Minster House  
76 Marsham St  
London SW1P 4DR

If you wish to make written comments, it would be helpful if you could do so by 21<sup>st</sup> July 2011. Your views should be sent to [PostDPTACviews@dft.gsi.gov.uk](mailto:PostDPTACviews@dft.gsi.gov.uk) or to the address below:

Disability Advice (post DPTAC)  
Department for Transport  
Sustainable Travel and Equalities  
Zone 2/24  
Great Minster House  
76 Marsham St  
London SW1P 4DR

Thank you for your help in this matter.

Yours sincerely

*Norman*  
**NORMAN BAKER**



Q. In your opinion, what disability advice does the Department need?

Q. Could this advice be delivered solely through stakeholder bodies?

Q. Can you give examples where DPTAC has either provided good/poor advice or failed to act?

Q. Are there different areas of advice needed to ensure mode specific transport is addressed? For example, are disability issues in the aviation context substantially different from railways, or from street design?

Q. Do you think the Department requires specific i.e. technical advice or does it need further general disability awareness advice? Are the means of obtaining this advice different – for example would only general policy advice be available from representative bodies, or would they be able to provide technical advice?

Q. Would the Department receive better disability advice if it procured it from consultants? Could examples be provided? How much would you estimate procuring advice would cost?

Q. Please look at the options and consider what the advantages or disadvantages are. Providing data to substantiate your views would be helpful.

# Annex C Written Ministerial Statement

## **Public Bodies Bill – Disabled Persons Transport Advisory Committee (DPTAC): Seeking Views and evidence with regard to potential successor arrangements**

**The Parliamentary Under Secretary of State for Transport (Norman Baker):** The cross-Government review of Non-Departmental Public Bodies, responding to this House in October 2010, decided that the public bodies landscape needed radical reform to increase accountability, cut out duplication of activity, increase transparency and discontinue activities that were no longer needed. Amongst the recommendations was that DPTAC be abolished.

The Public Bodies Bill is currently before Parliament. The Bill as drafted, would allow the Government to make an Order abolishing DPTAC. If the Bill is passed with this provision in it, I am minded to make such an Order. But before coming to a definite decision to do so, I intend to consult on the Order and will make no final decision until I have taken into account the responses to that consultation.

In advance of this formal consultation I am inviting views from all those with an interest on what successor arrangements should be put in place if DPTAC is abolished. I am seeking to ensure that any successor arrangement will continue to provide my Department with consensual, pan-disability advice in a flexible way, and that any arrangement represents value for money.

I propose to invite comments on the options listed below:

- Option 1: Rely on existing expertise in the Department for Transport policy divisions and agencies. Where ad-hoc specific advice is needed, it could be sought by individual policy divisions from third party stakeholder groups, the transport industry, and experts. This would have minimal cost (although commissioned, consultancy advice could be expensive) but perhaps risks disability issues being overlooked.
- Option 2: Establish a stakeholder forum, which could be convened and provide advice as and when issues arose. Again this would have minimal cost, but could again result in an increased consultancy bill. It might also be difficult to decide who to appoint to the forum. There are over 50 disability groups, and their interests sometimes conflict (e.g. the interests of the visually impaired, and those using mobility scooters). Achieving consensus could therefore be difficult.
- Option 3: Rely on a cross-government body to provide transport advice – for example the existing (non statutory) Equality 2025, run by the Department of Work and Pensions. This option should ensure that disability issues do not get overlooked. Equality 2025 is likely to be able to offer general advice – for example on transport access to the Olympics by disabled people – but would not be in a position to offer more specialist advice, for example the type of mobility scooter models suitable to be carried on public transport.
- Option 4: Establish a non-statutory specialist body which would be flexible and accountable to Ministers. This may cost more than the options above, but should be less expensive than the

current arrangements. However, a smaller body because of its size, may not cover all disability areas, and therefore could reduce the opportunities to provide pan-disability advice.

- Option 5: A wide ranging panel of experts from which members could be drawn, on an *ad hoc* basis, when specific advice is needed. A once a year meeting of all specified stakeholders could be held so that they all have the opportunity of voicing wider concerns.

My initial thinking is that option 5 would be the most appropriate path to take, but I would welcome views to inform my decision making in this area.

# Annex D Draft Impact Assessment

When responding to the consultation, please comment on the analysis of costs and benefits, giving supporting evidence wherever possible.

Please also suggest any alternative methods for reaching the objective and highlight any possible unintended consequences of the policy, and practical enforcement or implementation issues.

<b>Title:</b> Consultation IA: Proposals for getting advice on delivering a suitable transport system for people with disabilities.  <b>IA No:</b>  <b>Lead department or agency:</b> Department for Transport  <b>Other departments or agencies:</b>	<b>Impact Assessment (IA)</b>						
	<b>Date:</b> 28/10/2011						
	<b>Stage:</b> Error! Unknown document property name.						
	<b>Source of intervention:</b> Domestic						
	<b>Type of measure:</b> Primary legislation  <b>Contact for enquiries:</b> Kay Jaspal 020 7944 8064						
<b>Summary: Intervention and Options</b>							
<b>Cost of Preferred (or more likely) Option</b>							
<b>Total Net Present Value</b>  Not Known	<b>Business Net Present Value</b>  Not Known	<b>Net cost to business per year (EANCB on 2009 prices)</b>  Not Known	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"><b>In scope of One-In, One-Out?</b></td> <td style="width: 50%;"><b>Measure qualifies as One-Out?</b></td> </tr> <tr> <td>No</td> <td>NA</td> </tr> </table>	<b>In scope of One-In, One-Out?</b>	<b>Measure qualifies as One-Out?</b>	No	NA
<b>In scope of One-In, One-Out?</b>	<b>Measure qualifies as One-Out?</b>						
No	NA						
<b>What is the problem under consideration? Why is government intervention necessary?</b> The Government has an obligation to comply with the new public sector equality duty under the Equality Act 2010 and with the UN convention for the Rights of Persons with disabilities. The decision by the Government to be minded to abolish the Disabled Persons Transport Advisory Committee (DPTAC), requires that successor arrangement are in place that enables disabled people to continue to contribute to discussions on the development and delivery of transport infrastructure.							
<b>What are the policy objectives and the intended effects?</b> The Government's policy objective is to have a transport system that is accessible to people with disabilities. It aims to achieve this by having an arrangement that enables the views of disabled people to be considered at the early stages of transport policy development and delivery.							

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

Do nothing (continue with Disabled Persons Transport Advisory Committee (DPTAC))

Option 1: wide ranging panel of experts from which members could be drawn when specific advice needed

Option 2: stakeholder forum which is convened when issues arise

Option 3: cross-government body (Department of Work and Pensions's Equality 2025) to provide advice

Option 4: cross-government body and panel of experts

Option 5: policy divisions within the Department to go out directly to stakeholder groups

Option 6: non-statutory specialist body

This IA will be part of the consultation which is aiming to seek stakeholders views on our proposals their costs and benefit estimates, and any assumptions that we have made. The Government will make a decision on its preferred way forward once it has reviewed the outcome of the consultation exercise.

**Will the policy be reviewed?** It will be reviewed. **If applicable, set review date:** October /2015

Does implementation go beyond minimum EU requirements?	No				
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	<b>Micro</b> No	<b>&lt; 20</b> No	<b>Small</b> No	<b>Medium</b> No	<b>Large</b> No
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)	<b>Traded:</b> N/A		<b>Non-traded:</b> N/A		

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible SELECT SIGNATORY: Minister -(Norman Baker) Date: \_\_\_\_\_

## Summary: Analysis & Evidence Policy Option 1

**Description:** A wide ranging panel of experts from which members could be drawn, on an ad hoc basis, when specific advice is needed

### FULL ECONOMIC ASSESSMENT

Price Base Year 2011	PV Base Year 2012	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Unknown	High: Unknown	Best Estimate: Unknown
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)	
Low	-		-	-	
High	-		-	-	
Best Estimate	-		-	-	
Description and scale of key monetised costs by ‘main affected groups’					
None identified - further views on this judgement will be sought through the consultation					
Other key non-monetised costs by ‘main affected groups’					
None identified - further views on this judgement will be sought through the consultation					
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)	
Low	-		-	-	
High	-		-	--	
Best Estimate	0		0.3	2.6	

<b>Description and scale of key monetised benefits by 'main affected groups'</b> Panel members not being reimbursed for participating and also assuming secretariat of two people.	
<b>Other key non-monetised benefits by 'main affected groups'</b> With a greater number of members (than the twelve in the current arrangements) the advice provided may have a greater chance of being more representative of all disabilities and disabled groups	
<b>Key assumptions/sensitivities/risks</b> It is assumed that the cost of running DPTAC from 2014-15 remains constant at the budgeted cost of running this body in 2014-15. It is also assumed that the cost of employing a secretariat is constant at £35,000 per year.	<b>Discount rate (%)</b> 3.5%

#### BUSINESS ASSESSMENT (Option 1)

<b>Direct impact on business (Equivalent Annual) £m:</b>			<b>In scope of OIOO?</b>	<b>Measure qualifies as</b>
<b>Costs: N/K</b>	<b>Benefits: N/K</b>	<b>Net: N/K</b>	No	NA

### Summary: Analysis & Evidence Policy Option 2

**Description:** Establish a stakeholder forum, which could be convened and provide advice as and when issues arise

#### FULL ECONOMIC ASSESSMENT

Price Base Year 2011	PV Base Year 2012	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Unknown	High: Unknown	Best Estimate: Unknown

  

<b>COSTS (£m)</b>	<b>Total Transition</b> (Constant Price) Years		<b>Average Annual</b> (excl. Transition) (Constant Price)	<b>Total Cost</b> (Present Value)
Low	-		-	-
High	-		-	-
Best Estimate	-		-	-

  

<b>Description and scale of key monetised costs by 'main affected groups'</b> None identified - further views on this judgement will be sought through the consultation				
<b>Other key non-monetised costs by 'main affected groups'</b> None identified - further views on this judgement will be sought through the consultation				

  

<b>BENEFITS (£m)</b>	<b>Total Transition</b> (Constant Price) Years		<b>Average Annual</b> (excl. Transition) (Constant Price)	<b>Total Benefit</b> (Present Value)
Low	-		-	-
High	-		-	-

<b>Best Estimate</b>	0	0.3	<b>2.9</b>
<b>Description and scale of key monetised benefits by 'main affected groups'</b> Panel members not being reimbursed for participating and also assuming secretariat of one person.			
<b>Other key non-monetised benefits by 'main affected groups'</b> With a greater number of members (than the twelve in the current arrangements) the advice provided may have a greater chance of being more representative of all disabilities and disabled groups			
<b>Key assumptions/sensitivities/risks</b> It is assumed that the cost of running DPTAC from 2014-15 remains constant at the budgeted cost of running this body in 2014-15. It is also assumed that the cost of employing a secretariat is constant at £35,000 per year.			<b>Discount rate (%)</b> 3.5%

#### BUSINESS ASSESSMENT (Option 2)

<b>Direct impact on business (Equivalent Annual) £m:</b>			<b>In scope of OIOO?</b>	<b>Measure qualifies as</b>
<b>Costs: N/K</b>	<b>Benefits: N/K</b>	<b>Net: N/K</b>	No	NA

### Summary: Analysis & Evidence Policy Option 3

**Description:** Rely on a cross-government body such as the Department of Work and Pensions existing (non statutory) body Equality 2025

#### FULL ECONOMIC ASSESSMENT

Price Base Year 2011	PV Base Year 2012	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Unknown	High: Unknown	Best Estimate: Unknown
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)	
Low	-		-	-	
High	-		-	-	
Best Estimate	-		-	-	
Description and scale of key monetised costs by ‘main affected groups’					
Insufficient information to monetise costs. The consultation will seek information to monetise costs.					
Other key non-monetised costs by ‘main affected groups’					
Members of Equality 2025 are unlikely to have expertise on technical matters and therefore would not be able to provide advice on technical details. This may require consultancy costs to get the required support in some situations.					

<b>BENEFITS (£m)</b>	<b>Total Transition</b> (Constant Price) Years	<b>Average Annual</b> (excl. Transition) (Constant Price)	<b>Total Benefit</b> (Present Value)
Low	-	-	-
High	-	-	-
Best Estimate	-	-	-
<b>Description and scale of key monetised benefits by 'main affected groups'</b> Insufficient information to monetise benefits. The consultation will seek information to monetise benefits.			
<b>Other key non-monetised benefits by 'main affected groups'</b> It would provide a cross-government view on transport issues, bringing together impacts on health, social care etc. It would thus reflect advice based on a wider societal view rather than simply the transport aspect of an issue.			
<b>Key assumptions/sensitivities/risks</b>			<b>Discount rate (%)</b> 3.5%

#### BUSINESS ASSESSMENT (Option 3)

<b>Direct impact on business (Equivalent Annual) £m:</b>			<b>In scope of OIOO?</b>	<b>Measure qualifies as</b>
Costs: N/K	Benefits: N/K	Net: N/K	No	NA

## Summary: Analysis & Evidence Policy Option 4

**Description:** Cross-Government Body (Equality 2025) and panel of experts

#### FULL ECONOMIC ASSESSMENT

<b>Price Base</b> Year 2011	<b>PV Base</b> Year 2012	<b>Time Period</b> Years 10	<b>Net Benefit (Present Value (PV)) (£m)</b>		
			<b>Low:</b> Unknown	<b>High:</b> Unknown	<b>Best Estimate:</b> Unknown

  

<b>COSTS (£m)</b>	<b>Total Transition</b> (Constant Price) Years	<b>Average Annual</b> (excl. Transition) (Constant Price)	<b>Total Cost</b> (Present Value)
Low	-	-	-
High	-	-	-
Best Estimate	-	-	-
<b>Description and scale of key monetised costs by 'main affected groups'</b> Insufficient information to monetise costs. The consultation will seek information to monetise costs.			



**Other key non-monetised costs by 'main affected groups'**

Members of Equality 2025 are unlikely to have expertise on technical matters and therefore would not be able to provide advice on technical details.

<b>BENEFITS (£m)</b>	<b>Total Transition</b> (Constant Price) Years	<b>Average Annual</b> (excl. Transition) (Constant Price)	<b>Total Benefit</b> (Present Value)
Low	-	-	-
High	-	-	-
Best Estimate	0	0.3	2.6

**Description and scale of key monetised benefits by 'main affected groups'**

Insufficient information to monetise benefits. The consultation will seek information to monetise benefits.

**Other key non-monetised benefits by 'main affected groups'**

A cross-government body will provide a cross-government view on transport issues, bringing together impacts on health, social care etc. It would thus reflect advice based on a wider societal view rather than simply the transport aspect of an issue. The advice provided from pool of experts with a greater number of members (than the twelve in the current arrangements) is likely to have a greater chance of being more representative of all disabilities and disabled groups

<b>Key assumptions/sensitivities/risks</b>	<b>Discount rate (%)</b>	3.5%
It is assumed that the cost of running DPTAC from 2014-15 remains constant at the budgeted cost of running this body in 2014-15. It is also assumed that the cost of employing a secretariat is constant at £35,000 per year.		

**BUSINESS ASSESSMENT (Option 4)**

<b>Direct impact on business (Equivalent Annual) £m:</b>			<b>In scope of OIOO?</b>	<b>Measure qualifies as</b>
<b>Costs: N/K</b>	<b>Benefits: N/K</b>	<b>Net: N/K</b>	No	NA

**Summary: Analysis & Evidence Policy Option 5**

**Description:** Rely on policy divisions within the Department to go put directly to stakeholder groups, the transport industry and experts

**FULL ECONOMIC ASSESSMENT**

Price Base Year 2011	PV Base Year 2012	Time Period Years 10	<b>Net Benefit (Present Value (PV)) (£m)</b>		
			<b>Low: Not Know</b>	<b>High: Not Know</b>	<b>Best Estimate: Not Know</b>
<b>COSTS (£m)</b>	<b>Total Transition</b> (Constant Price) Years		<b>Average Annual</b> (excl. Transition) (Constant Price)		<b>Total Cost</b> (Present Value)
Low	-		-		-
High	-		-		-
Best Estimate	-		-		-

<b>Description and scale of key monetised costs by ‘main affected groups’</b>				
Insufficient information to monetise costs. The consultation will seek information to monetise costs.				
<b>Other key non-monetised costs by ‘main affected groups’</b>				
Some policies may have an impact on a group beyond that which policy leads tend to hold discussions with and therefore some disability groups affected may not be identified and consulted at early stages of policy development and delivery.				
<b>BENEFITS (£m)</b>	<b>Total Transition</b> (Constant Price)    Years		<b>Average Annual</b> (excl. Transition) (Constant Price)	<b>Total Benefit</b> (Present Value)
Low	-		-	-
High	-		-	-
Best Estimate	0		0.4	3.2
<b>Description and scale of key monetised benefits by ‘main affected groups’</b>				
Lower running costs from not requiring a separate public body - and the cost associated with it - to provide advice on disability issues.				
<b>Other key non-monetised benefits by ‘main affected groups’</b>				
None identified - further views on this judgement will be sought through the consultation				
<b>Key assumptions/sensitivities/risks</b>				<b>Discount rate (%)</b>
It is assumed that the cost of running DPTAC from 2014-15 remains constant at the budgeted cost of running this body in 2014-15.				3.5%

#### BUSINESS ASSESSMENT (Option 5)

<b>Direct impact on business (Equivalent Annual) £m:</b>			<b>In scope of OIOO?</b>	<b>Measure qualifies as</b>
<b>Costs: N/K</b>	<b>Benefits: N/K</b>	<b>Net: N/K</b>	No	NA

## Summary: Analysis & Evidence Policy Option 6

**Description:** Establish a non-statutory specialist body which would be flexible and accountable to Ministers

#### FULL ECONOMIC ASSESSMENT

Price Base Year 2011	PV Base Year 2012	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Unknown	High: Unknown	Best Estimate: Unknown
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Cost (Present Value)
Low	-		-		-
High	-		-		-

<b>Best Estimate</b>	-		-	-
<b>Description and scale of key monetised costs by 'main affected groups'</b> Insufficient information to monetise costs. The consultation will seek information to monetise costs.				
<b>Other key non-monetised costs by 'main affected groups'</b> As a non statutory body the number of members and meetings is not constrained and therefore costs could become larger than the current statutory body DPTAC.				
<b>BENEFITS (£m)</b>	<b>Total Transition</b> (Constant Price) Years		<b>Average Annual</b> (excl. Transition) (Constant Price)	<b>Total Benefit</b> (Present Value)
Low	-		-	-
High	-		-	-
Best Estimate	-		-	-
<b>Description and scale of key monetised benefits by 'main affected groups'</b> Insufficient information to monetise benefits. The consultation will seek information to monetise benefits.				
<b>Other key non-monetised benefits by 'main affected groups'</b> With the possibility of a greater number of members (than the twelve in the current arrangements) the advice provided may have a greater chance of being more representative of all disabilities and disabled groups				
<b>Key assumptions/sensitivities/risks</b>				<b>Discount rate (%)</b> 3.5%

#### BUSINESS ASSESSMENT (Option 6)

<b>Direct impact on business (Equivalent Annual) £m:</b>			<b>In scope of OIOO?</b>	<b>Measure qualifies as</b>
<b>Costs: N/K</b>	<b>Benefits: N/K</b>	<b>Net: N/K</b>	No	NA

## **BACKGROUND**

The Disabled Persons Transport Advisory Committee (DPTAC) was set up by the Transport Act 1985 as an independent advisory body. Its primary function is to provide independent advice to Government, by presenting a pan-disability view on the impacts of transport policy development, legislation, regulation and guidance developed by government, as they affect disabled travellers.

DPTAC has a statutory duty to consider any matter referred to it by Transport Ministers, but also to provide advice on other issues relevant to the transport needs for disabled people. It is also required by the 1985 legislation to have a minimum membership of 11 people, of whom 50% are disabled, and to meet at least four times a year.

### **Who sits on DPTAC and how is it organised?**

DPTAC is supported by the provision by the Department for Transport of a Secretariat currently comprising of two members. It currently has 12 members and is budgeted to cost £496,000 to run in 2010-11. It currently has 12 members.

DPTAC's membership includes disabled people with a broad range of experiences of using transport, working alongside professional people dealing with disability and transport. This broad membership is designed to enable the committee to speak with credibility on both the needs of disabled transport customers and effective ways of meeting them.

Members have a collective responsibility for the operation of DPTAC. They engage fully in collective consideration of issues, taking account of the full range of relevant factors, including any guidance issued by the Department or responsible Minister. They ensure that the Code of Practice on Access to Government Information (including prompt responses to public requests for information) is adhered to.

The DPTAC Chair has particular responsibility for providing effective leadership, ensuring that DPTAC meets at appropriate intervals, represents the views of DPTAC to the general public, and that new DPTAC members are briefed on appointment (and their training needs considered).

DPTAC provides direct advice to the Department for Transport both in writing, and by participation in its working groups which have recently included Blue Badge; Shared Space; and Travel Training. DPTAC has also recently worked closely with the Olympics Delivery Authority on accessibility for the London 2012 Olympics and Paralympics and continues to provide considerable input into the DfT Rail 'access for all' programme and other rail developments including exemptions from the rail vehicles regulations and dispensations from the stations code of practice.

DPTAC is not an Inspectorate and therefore does not enforce legislation.

## Review of DPTAC

In 2008 a light touch review of DPTAC was carried out by the In-House Policy Consultancy which served Department for Transport, Defra and Communities & Local Government. This review was largely supportive of the retention of DPTAC, and its specialist role to provide independent advice to Government, but suggested that the functions then carried out by DPTAC could be delivered more cost effectively. The review made a number of recommendations to help achieve this objective<sup>1</sup>.

In response to these recommendations, DPTAC revised its strategy in 2009 and incorporated its work programme into its three year business plan. These reforms were aimed to improve the cost effectiveness of the committee.

In October 2010 a cross-Government review of Non Departmental Public Bodies was carried out. The review decided that the public bodies landscape needed radical reform to increase accountability, cut out duplication of activity, increase transparency and discontinue activities that were no longer needed.

This was supported by all Departments and Secretaries of State and aimed to increase accountability for actions carried out on behalf of the state and reduce the number and cost of public bodies, as set out in the Coalition Agreement and in both parties' manifestos.

The review looked at over 900 bodies; mainly non-departmental public bodies, but also other bodies such as some non-ministerial departments and public corporations. This review included DPTAC and the Government is minded (subject to **the passage of the Public Bodies Bill in Parliament**) to abolish DPTAC (it is included in Schedule 1), but announced that it will be important to develop successor arrangements.

## Problem Under Consideration:

The Department has an obligation to comply with the new public sector equality duty under the Equality Act 2010 and with the UN convention for the Rights of persons with disabilities; Article 4(3) of the Convention specifically provides that State Parties shall "closely consult with and actively involve persons with disabilities...through their representative organisations" in any decisions concerning issues relating to persons with disabilities.

The decision by the Government to be minded to abolish DPTAC, subject to the passage of the Public Bodies Bill in Parliament) requires that successor

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<sup>1</sup> The recommendations of the review and the response to these by DPTAC are presented in Annex X

arrangements are in place that enable disabled people to continue to contribute to discussions on the development and delivery of transport infrastructure.

### **Policy Objective:**

The Government's policy objective is to have a transport system that is accessible to people with disabilities. It aims to achieve this by having an arrangement that enables the views of disabled people to be considered at the early stages of transport policy development and delivery.

### **Consultation:**

The Department (Minister) wrote to stakeholders seeking their views (call for evidence) and inviting them to workshops where the department and stakeholders explored options to ensure that the Department gets the disability advice it needs but through a more flexible, accountable structure. The options discussed below have been informed by these discussions and comments.

The Department intends to take forward a formal consultation on the precise form of successor arrangements.

### **Options:**

Do nothing (continue with Disabled Persons Transport Advisory Committee (DPTAC)) as a statutory body.

Option 1: A wide ranging panel of experts from which members could be drawn, on an ad hoc basis, when specific advice is needed.

Option 2: Establish a stakeholder forum, which could be convened and provide advice as and when issues arose.

Option 3: Rely on a cross-government body (Department of Work and Pensions existing (non statutory) Equality 2025).

Option 4: Cross Government Body (Equality 2025) and panel of experts

Option 5: Rely on policy divisions within the Department to go out to directly to stakeholder groups, the transport industry, and experts

Option 6: Establish a non-statutory specialist body which would be flexible and accountable to Ministers.

These options have been developed through discussions with users of DPTAC and representatives of disabled groups. There may be **other options that are identified as part of the consultation** and they **will be considered** along with these options before a decision is made on the future arrangements for disabled people to contribute to the policy-making process.

### **Benefits & Costs:**

This section presents the identified benefits and costs of each of the options; where information is available they are also monetised. The **consultation will seek information that can help monetise all the impacts** of each option.

We have considered the effect this policy may have on different groups of people and have done this via an Equality Impact Assessment (EqIA) which is attached at Annex A.

For the purpose of comparison the benefits and costs of each option will be judged against the current arrangements (i.e. DPTAC continues as a statutory body).

This option would retain the Disabled Persons Transport Advisory Committee as a statutory body. It would work as it currently does with policy leads seeking advice from members of the committee with a mixture of strategic and technical knowledge and expertise who would therefore be able to provide advice on a large variety of disabled transport related issues.

The current number of members is twelve which may mean that the advice is not representative of all disabilities or disabled groups. It also needs to have a clearer focus on its work plan and deliverables. The lack of focus can lead to DPTAC taking forward detailed work on some areas which may not be consistent with the priorities of the government and thus the advice being provided on strategic issues may not be timely or address issues of concerns to ministers.

Members of the committee are reimbursed for their time and the requirement for a secretariat means that it has a budgeted cost of £496,000 in 2010-11, which will fall to £457,000 (in 2011-12), £422,000 (in 2012-13), £391,000 (in 2013-14) and £363,000 (in 2014-15). Meetings are held at the Department for Transport and therefore there are no costs associated with hiring premises to meet.

### **Option 1 - A wide ranging panel of experts from which members could be drawn, on an ad hoc basis, when specific advice is needed**

This model entails having a panel of people (with a broad range of knowledge and expertise on disability issues) who would be willing to provide advice to the Department on transport disability issues when required.

The panel could be structured into subgroups representing various expertise and knowledge – for example subgroup structure could include a strategic group that could provide advice on departmental disability strategy and a specialist group such as a rail group that could provide specialist advice on rail issues. The members could be included in more than one subgroup where appropriate. Policy leads within the Department could approach the appropriate group from the panel of experts for the required advice.

### Benefits:

With only twelve members the advice provided through the DPTAC may not be representative of all disabilities or disabled groups. This option with an unconstrained number of members may have the benefit that with a greater number of members the advice provided may have a greater chance of being more representative of all disabilities and disabled groups.

The cost of running DPTAC includes reimbursing members and having a secretariat. It is envisaged that to efficiently manage the pool of people, and the engagement between policy leads and the group, a secretariat of two people will be required at a cost of around £70,000 per year. This figure relates to the current total cost of the two person secretariat to run DPTAC and assumes that members will not be reimbursed and meetings will be held at the Department for Transport. This option will therefore also have the benefit of lower running cost that save around £350,000 in 2012-13, around £320,000 in 2013-14 and £290,000 per year from 2014-15<sup>2</sup>.

### Costs:

This option will not have any additional costs in comparison to continuing with DPTAC that we have identified. We will seek further views on this judgement through the consultation.

## **Option 2 - Establish a stakeholder forum, which could be convened and provide advice as and when issues arose**

This model would be similar to option 1 except that it would involve around 20 people, who could both represent their organisation and provide a range of pan-disability advice, either meeting 2 or 3 times a year or when needed. The meeting would be chaired by a senior DfT official or a Minister of State for Transport. This role would be unpaid and include representations from disability groups, the devolved administrations and transport operators

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<sup>2</sup> These figures are calculated by subtracting the envisaged cost of running this option - £70,000 per year - from the budgeted annual cost of DPTAC



This option would work with the stakeholder forums – the meetings – providing strategic and general advice with smaller working groups (made up of members) looking into issues in more detail. Policy divisions would seek advice from members of this group on specific issues.

### Benefits:

With only twelve members the advice provided through the DPTAC may not be representative of all disabilities or disabled groups. This option with an unconstrained number of members may have the benefit that with a greater number of members the advice provided may have a greater chance of being more representative of all disabilities and disabled groups.

The cost of running DPTAC includes reimbursing members and having a secretariat. It is envisaged that to efficiently manage the pool of people, and the engagement between policy leads and the group, a secretariat of two people will be required at a cost of around £35,000 per year. This figure relates to the current total cost of the two person secretariat to run DPTAC and assumes that members will not be reimbursed and meetings will be held at the Department for Transport. This option will therefore also have the benefit of lower running cost that save around £385,000 in 2012-13, around £355,000 in 2013-14 and £325,000 per year from 2014-15<sup>3</sup>.

### Costs:

This option will not have any additional costs in comparison to continuing with DPTAC that we have identified. We will seek further views on this judgement through the consultation.

## **Option 3 - Rely on a cross-government body e.g. Department of Work and Pensions existing (non statutory) Equality 2025**

Equality 2025 is sponsored by, but not part of, Office of Disability Issues/Department of Work and Pensions (DWP). It is a non statutory non-departmental public body made up of disabled people and has nine members and a Chair. Equality 2025 already has a remit to look at all areas that affect disabled people, but they do not currently look at transport specific issues, which would be included through broadening their scope through this model.

The group offers strategic, confidential advice to Government on issues that affect disabled people. This advice can include participation in the very early stages of policy development or in-depth examination of existing policy.

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<sup>3</sup> These figures are calculated by subtracting the envisaged cost of running this option - £35,000 per year - from the budgeted annual cost of DPTAC

The group works with ministers and senior officials across government but is responsible to the Minister for Disabled People, Maria Miller MP. The Chair meets with the Minister every six weeks. The group provides a confidential written report to the Minister each month. Equality 2025 provides policy rather than technical advice.

#### Benefits:

The benefits of this option would be that it would provide a cross-government view on transport issues – thus bringing together impacts on health, social care etc. It would thus reflect advice based on a wider societal view rather than simply the transport aspect of an issue.

#### Costs:

The members of Equality 2025 will not be experts on technical matters and therefore would not be able to provide advice on technical details such as which alarm buttons should be placed on public transport vehicles.

### **Option 4 - Cross-Government Body (Equality 2025) and panel of experts**

This model would entail an organisation such as Equality 2025 providing advice of disability strategy, including transport policy, with the pool of members providing disability advice on detailed transport policy development and delivery. The pool of members would be the same as described in option 1 – they would be structured into sub-groups and would represent a broad range of knowledge and expertise on disability issues and be willing to provide advice to the Department on transport disability issues on an ad-hoc basis.

#### Benefits:

An organisation like Equality 2025 would be able to provide a cross-government view on transport issues – thus bringing together impacts on health, social care etc.- reflecting advice based on a wider societal view rather than simple the transport aspect of an issue.

With only twelve members the advice provided through DPTAC may not be representative of all disabilities or disabled grouped. This option with the pool of members (if as it would be likely are numbering greater than twelve) could potentially have the ability to provide advice that is more representative of all disabilities and disabled groups.

This option will also have the benefit of lower running costs. The cost of running DPTAC includes reimbursing members and having a secretariat. It is envisaged that to efficiently manage the pool of people, and the engagement between policy leads and the group, a secretariat of two people will be required at a cost of

around £35,000 per year. This figure relates to the current total cost of the two person secretariat to run DPTAC and assumes that members will not be reimbursed and meetings will be held at the Department for Transport. This option will therefore also have the benefit of lower running cost that save around £385,000 in 2012-13, around £355,000 in 2013-14 and £325,000 per year from 2014-15<sup>4</sup>.

#### Costs:

This option will not have any additional costs in comparison to continuing with DPTAC that we have identified. We will seek further views on this judgement through the consultation.

### **Option 5 – Rely on policy divisions within the Department to go out to directly to stakeholder groups, the transport industry, and experts**

At early stages in the policy development and delivery process, policy leads would seek specific advice on disability issues from groups able to represent disabled people. It would ensure disability issues were considered in all areas of policy with policy leads seeking appropriate advice when required. It would reflect best practice in stakeholder management where all relevant groups, including those representing disabled people are consulted and kept informed as the policy development and delivery process is developed. Many parts of the Department already take this approach when seeking views from disabled people – for example, aviation policy leads met with specific stakeholders when developing policies for taking Guide dogs aboard planes.

#### Benefits:

The benefit of this option is that it would not require a separate public body – and the cost associated with it – to provide advice on disability issues. Therefore in comparison to the do-minimum this option would produce benefits of £457,000 (in 2011-12), £422,000 (in 2012-13), £391,000 (in 2013-14) and £363,000 per year (from 2014-15). These savings are on the basis of the budgeted costs of running DPTAC.

#### Costs:

The cost of this option is that some policies may have an impact on a group beyond that which policy leads tend to hold discussions with and therefore some disability groups affected may not be identified and consulted at early stages of policy development and delivery.

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<sup>4</sup> These figures are calculated by subtracting the envisaged cost of running this option - £35,000 per year - from the budgeted annual cost of DPTAC

## **Option 6 - Establish a non-statutory specialist body which would be flexible and accountable to Ministers**

This model would be similar to the current arrangements, with DPTAC continuing, except that because it would be a non-statutory body the number of members and the number of meetings to be held per year would not be defined. It could therefore have as many members as it wished and meet as many times as it wished.

### **Benefit:**

With only twelve members the advice provided through the DPTAC may not be representative of all disabilities or disabled groups. This option with an unconstrained number of members may have the benefit that with a greater number of members the advice provided may have a greater chance of being more representative of all disabilities and disabled groups.

### **Cost:**

The cost of running DPTAC includes reimbursing members and having a secretariat. With the number of members and meetings not constrained it is possible that this option becomes more expensive than DPTAC as there will be a cost of reimbursing every member of the committee and hiring premises for every meeting held.

## **One In One Out (OIOO)**

All policy options are expected to be out of scope of OIOO because all impacts are anticipated to be on government (subject to confirmation through consultation).

## EqIA Screening Proforma

<b>Name of the function, policy or strategy -</b> Department is minded to abolish the Disabled Persons Transport Advisory Committee (DPTAC). <b>Current or Proposed:</b> Proposed								
<b>Person completing the assessment:</b> Kay Jaspal <b>Date of assessment:</b> 09 September 2011								
<b>Purpose of the function, policy or strategy:</b> As part of the action proposed by the Public Bodies Bill, to consider various options related to possible successor arrangements to DPTAC.								
Questions - Indicate Yes, No or Not Known for each group	Age	Disability	Gender	Ethnicity and race	Religion or Belief	Sexual Orientation	Transgender	Pregnancy and Maternity
Is there any indication or evidence that different groups have different needs, experiences, issues or priorities in relation to the particular policy?	No	No	Yes	Yes	No	No	No	No
Is there potential for, or evidence that, this policy may adversely affect equality of opportunity for all and may harm good relations between different groups?	No	No	Yes	Yes	No	No	No	No
Is there any potential for, or evidence that, any part of the proposed policy could discriminate, directly or indirectly? (Consider those who implement it on a day to day basis)?	No	No	Yes	Yes	No	No	No	No
Is there any stakeholder (staff, public, unions) concern in the policy area about actual, perceived or potential discrimination against a particular group(s)?	No	No	Yes	Yes	No	No	No	No
Is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with other government departments or the wider community?	No	No	Yes	Yes	No	No	No	No
Is there any evidence or indication of higher or lower uptake by different groups?	No	No	No	No	No	No	No	No
Are there physical or social barriers to participation/access (e.g. language, format, physical access/proximity)?	No	No	No	No	No	No	No	No

If you have answered “no” to all the questions, an EqIA is not required.

If your answer is “yes” or “not known” to any of these questions then consider the proportionality aspect in terms of providing a lower standard of service or offering a service on different terms than you would to other people. After considering the proportionality aspects you will need to decide whether an Initial Equality Impact Assessment is needed.

## Initial Equality Impact Assessment Proforma

### **Name of the function, policy or strategy to be assessed:**

**Current or Proposed:** Department is minded to abolish the Disabled Persons Transport Advisory Committee (DPTAC).

### **Options being considered:**

Option 1: A wide ranging panel of experts from which members could be drawn, on an ad hoc basis, when specific advice is needed.

Option 2: Establish a stakeholder forum, which could be convened and provide advice as and when issues arose.

Option 3: Rely on a cross-government body (Department of Work and Pensions existing (non statutory) Equality 2025).

Option 4: Cross Government Body (Equality 2025) and panel of experts

Option 5: Rely on policy divisions within the Department to go out to directly to stakeholder groups, the transport industry, and experts

Option 6: Establish a non-statutory specialist body which would be flexible and accountable to Ministers.

**Person completing the assessment:** Kay Jaspal

**Date of assessment:** 09 September 2011

### **1. Aims, objectives and purpose of the function, policy or strategy**

The Coalition Agreement committed Government to increasing accountability and reducing the cost of NDPBs. Within this context, the Government's policy objective is to have a transport system that is accessible to people with disabilities. It aims to achieve this by having an arrangement that enables the views of disabled people to be considered at the early stages of transport policy development and delivery.

## **2. Who is intended to benefit from the function, policy or strategy and in what way?**

What desired outcomes and success measures have been identified?

**In thinking about future arrangements for disability advice, the Government wants to ensure that any new arrangements will continue to deliver pan-disability, specialist advice, but have more flexibility over working arrangements and appointments; be more directly accountable to Ministers and be better value for money.**

## **3. Stakeholder Management: responsibility and ownership**

Who has accountability for this function or policy at senior management level? Who has responsibility for it on a day to day basis? Who is, or will be, responsible for implementation? Who else influences delivery of this function or policy?

**John Dowie: Senior Responsible Owner**

**Pauline Reeves/Nigel Dotchin: The Sponsor- is accountable for the budget, day to day handling of DPTAC for the Department and line management of the Secretariat (2).**

**The Secretariat supports the DPTAC committee members and is responsible for the main body of DPTAC's work. They are the filter through which the Department commissions DPTAC's work. (Their function would need to change alongside any changes made to DPTAC)**

**Kay Jaspal: Day to day responsibility for implementation.**

## **4. Potential Project Management and Risks Issues?**

What factors could contribute to, or detract from, delivery of the outcomes and success measures?

**Putting the right successor arrangements in place is vital, to ensure that the Department continues to fulfil its obligations to disabled travellers, and comply with its Disability Equality Duty and wider equality duties under the Equality Act 2010.**

**Main risks are that the process drifts (such as parliamentary processes, regulatory clearances etc), giving a lack of credibility. The other risk is that we fail to find an arrangement that satisfies the various criteria i.e. no longer having a NDPB and offering timely and useful advice on disability issues to the Dept.**

**Negative coverage in the press could have a knock-on effect on the public, who could perceive the Department no**

longer considers the needs of disabled people on transport to be a priority.

Both the Scottish Parliament and Welsh Assembly have Transport Disability Advisory Groups. There is a presentational risk if the successor to DPTAC is seen to be less effective / have less impact than the arrangements in Scotland and Wales.

Evidence gathered from the majority of policy leads demonstrates that most consult directly with the organisations that are represented on DPTAC.

**5a. Will the function, policy or strategy, along with any of its intended outcomes, eliminate discrimination, promote equality of opportunity and/or promote good relations between different groups?**

Yes ☒ No ☐ Please explain below

The proposals should have no impact i.e. the final outcome should still be the provision of pan disability advice to the Secretary of State to the standard required to deliver policy across the Department.

**5b. From the available evidence, what level of impact, if any, is the delivery of this function, policy or strategy going to have on the different equality groups set out below.**

Equality Group	Positive impact			Negative impact			No impact	Reason and evidence supporting your assessment for each of the equality groups
<b>H = High</b> <b>M = Medium</b> <b>L = Low</b>	<b>H</b>	<b>M</b>	<b>L</b>	<b>H</b>	<b>M</b>	<b>L</b>		
<b>Age</b>						X		The overall aim is to continue to provide improved and more flexible level of advice to government – this should have the
<b>Disability</b>						X		The overall aim is to continue to provide improved and more flexible level of advice to government – this should have the



<b>Gender</b>							X	
<b>Ethnicity &amp; Race</b>							X	
<b>Religion or belief</b>							X	
<b>Sexual orientation</b>							X	
<b>Transgender</b>							X	
<b>Pregnancy and Maternity</b>							X	

**6. If you have indicated that there is a high or medium negative impact on any group in Q5b, can it be justified under the Equality legislation?**

**Yes** ☒ please go to Q7

**No** ☐ **please go to Q8**

## **7. Follow up Action**

a) Is there any action that could be taken to minimise or remove any negative impact of low significance in Q5b?

**Yes** ☒ please go to 7b

**No** ☐ please explain why below?

## **Evidence on the proposals**

DPTAC was set up by the 1985 Transport Act and over its 25 years has been at the forefront of a lot of the work undertaken across transport to increase accessibility for the disabled traveller, and the understanding of the issues. Given the ageing population this role has also impacted on the elderly.

Disabled people tell us that accessible transport is vital to their quality of life. And as the population ages, more and more people will need transport services that enable them to remain active members of society.

There are 6.8 million disabled people of working age in Britain, one-fifth of the total working age population (Disability Rights Commission, 2006).

DPTAC has a number of working groups which meet four times a year and bring together representatives from industry, local authorities and third sector organisations as well as other Government Departments where relevant. These provide a useful forum for the discussion of all current issues of relevance to disabled people.

In addition to DPTAC, the Department consults with a wide range of disability stakeholders on all matters of relevance to them, and has regular meetings with certain disability groups where there are particular matters of common interest.

DPTAC has published a number of documents that give advice to disabled travellers and best practice for industry. For example, it has published a disability and equality awareness training framework for transport staff and a design specification for an on-board aircraft wheelchair. The Department works closely with DPTAC to ensure that its research and publications are complementary to the Department's own work.

The last review of DPTAC in 2008 (published in 2009) was largely supportive of the retention of DPTAC, and its specialist role to provide independent pan disability advice to government. However the review also suggested that DPTAC needed to have a clearer focus and its advice become more strategic. In response to this DPTAC has, since 2009, revised its strategy and its work programme into its 3 year business plan and revised its structure down from 8 standing working groups to 4, to better match the structure of the department. To meet the need for updated processes DPTAC also introduced annual assessments

of members and updated aspects of the members Handbook. These reforms have improved the focus of DPTAC and increased its value for money but it still takes forward work which reflects *its* priorities rather than those of the Government. The Government is also concerned that the statutory status of DPTAC, including the existence of a standing secretariat, membership requirements and regularity of meetings, represents an outdated and restrictive model which is not sufficiently flexible or accountable to meet the Government's current needs. The Parliamentary Under Secretary of State wrote to stakeholders seeking their views and inviting them to workshops where the Department and stakeholders explored options to ensure that the Department gets the disability advice it needs but through a more flexible, accountable structure. The Department intends to take forward a formal consultation on the precise form of successor arrangements.

b) Please complete the table below with details of the monitoring arrangements that will be put in place to address the not known response(s) in Q5b.

Action	By Whom	By When
There were no "not known".		

**Please seek clearance from the Press Office to publish this EqlA on the DfT Website.**

<http://www.dft.gov.uk/consultations/eqias/>

**Signed off by: Name**

\_\_\_\_\_

**Job Title:**

\_\_\_\_\_

## Full Equality Impact Assessment Proforma

This proforma is a continuation from Q6 in the initial impact assessment proforma

### 8. Consideration of alternatives to minimise adverse impact or eliminate unlawful discrimination.

Please summarise the changes that you propose to make or have made to the policy, strategy or function.

**There is no discrimination to persons by revisions to this advisory body.**

**The Department's policy objective is to have a transport system that is accessible to people with disabilities. It aims to achieve this by having an arrangement that enables the views of disabled people to be considered at the early stages of transport policy development and delivery and thereby ensuring that the needs of a disabled traveller are still taken into account when policy is being developed.**

### 9. Consultation on possible impact (adverse) or action plan with stakeholders affected.

Who needs to be, or has been, consulted and involved (disabled people only) to assist you to make a judgement about the policy/function or, in the proposed changes, to mitigate the adverse impact as outlined in your Action Plan? **Please record your findings from the consultations including methods used, numbers, groups targeted etc in section 12 at the end of this proforma.**

The Parliamentary Under Secretary of State wrote to stakeholders seeking their views and inviting them to workshops where the Department and stakeholders explored options to ensure that the Department gets the disability advice it needs but through a more flexible, accountable structure.

A workshop was held on 11<sup>th</sup> July and the call for evidence finished 21<sup>st</sup> July. Attached to this document is a summary of all responses received.

The Department will be issuing a full, formal consultation on the precise form of successor arrangements in the Autumn.

### 10. Determine if any further research/new evidence from experts and/or interested groups is required

Are there any gaps in your previous or planned consultation and research?

Yes ☐

No ☒

Are there any experts/relevant groups that can be contacted to get further views or evidence on these issues? Yes ☒

No ☐

We have had a call for evidence and will be going out to consultation in the Autumn before making a final decision.

**11. Identification of an action plan with proposed changes to mitigate adverse impact**

If an action plan already exists, covering similar headings, please attach. Alternatively, please list any recommendations for action that you plan to take as a result of this impact assessment under the given headings.

Action Required	By Whom	By When	Resources Implications
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## **12. Consultation on possible impact (adverse) or action plan with stakeholders affected**

Please record your findings from the consultations including methods used, numbers, groups targeted etc.

### **Prior to the call for evidence: (gathered across policy leads within DfT)**

**Aviation Policy:** Do not use DPTAC for advice. Currently (and for the past 18 months) tend to consult/get advice from third party and private bodies e.g. airlines, airports, Civil Aviation Authority (CAA) and experiences of people with reduced mobility – e.g. those with guide dogs.

**Shipping:** They have had useful dealings with DPTAC during negotiation of proposed EU regulation via the Secretariat and the Maritime Working Group; they see no difficulty in engaging with representative organisations themselves as they are currently doing this in respect to section 30 of the Equality Act. A balanced opinion on disability related issues.

**Buses & Taxis:** While they have worked closely with DPTAC in the past (responded to consultation exercises) they find that they are mostly consulting directly with organisations represented on DPTAC.

**Rail standards & Safety:** By far the most frequent users of DPTAC. They frequently consult DPTAC's Rail Working Group – due to the statutory nature of rail vehicle accessibility. They feel strongly that DPTAC provides strong pragmatic advice which has been very helpful in parliamentary debates. Commons Hansard (Monday 8 February 2010)

**<http://www.publications.parliament.uk/pa/cm200910/cmgeneral/deleg2/100208/100208s01.htm>**

The evidence suggests that this approach is saving the rail industry significant sums of money (the rail industry has also suggested that this approach is saving tens of millions of pounds). However they do acknowledge that there is scope to make DPTAC leaner, although in their opinion keeping it in statute would maintain the respect that Parliament and others have given its views in the past.

**Blue Badge:** DPTAC has played a key role in lobbying for reform of the Blue Badge scheme and highlighting the current issues. They were asked to lead one of the working groups that considered detailed options for reform and recommend which options should be taken forward. This approach meant that reforms had the support of disabled people from the start, and DPTAC has subsequently been a vocal supporter of the reform programme that the Blue Badge Team is implementing. The Team also find the pan-disability advice DPTAC provide helps them to make decisions. However the quality of their input varies according to how active members are in particular working groups. If DPTAC does not exist in the future, then the Team will need to engage individually with the full range of representative groups – **many of which they engage with already** in addition to DPTAC, but as they often do not agree with each other, it is helpful to have DPTAC act as referee on occasion. But the Blue Badge Team could make decisions on the best way to go themselves if necessary.

**Inclusive Mobility (traffic calming, street design) & Shared Space:** They have used DPTAC members for a number of years to help develop technical advice and when consulting/undertaking a peer review of drafts of such advice. In their opinion the abolition of DPTAC would mean that there would be no body capable of providing a considered pan-disability view of the issues. They would have to rely on a wider range of disability groups to get actively involved in policy making. This could mean dealing with pressure groups which do not represent a balanced view. Additionally, they could end up with a considerably larger number of responses to deal with e.g. Shared Space - Guide Dogs for the Blind Association initiated a campaign against shared surface streets. They persuaded a number of disability organisations to sign up to their campaign which the Department, most of the industry, and many disabled people do not agree with. They are concerned that were DPTAC to be abolished, they and the Department would have to be very careful to ensure that its role was not taken over by groups with narrow interests. It could be very difficult to achieve this, especially if a group inheriting this role were only called on an as-and-when-needed basis. In their opinion it may be better to reform DPTAC, not replace or abolish it.

### Call for Evidence & Stakeholder Workshop:\* Options as described in the IA

	Name	Organisation	*Options (if any)	Comments
1.	Lord Bradshaw	House of Lords	Option 1 -	
2.	Gill Evans	North Yorkshire County Council - Runs a local disability group	-	Important that there is a person or body which has a national responsibility to press for access to transport/concessions in areas which lack it (esp. big rural counties) – need to take account of ageing population.
3.	Bert Morris	Consultant (previous Director of AA motoring Trust)	Option 6	Department “lost” expertise with the dispersal of the Mobility & Inclusion Unit. Provides two example of bodies (one successful – Home office Vehicle Crime Reduction Action Team and the other not – DfT Motorists Forum)
4.	Sir Bert Massie	Previous member of DPTAC	Retain DPTAC – with reviewing membership	Dept. lost expertise with the dispersal of the Mobility & Inclusion Unit and therefore Option1 would not work, Option 2- problems occur because of lack of consensus; Option 3 – Eq2025 does not have expertise on transport specific issues- will need to be reformed to make this option work; Option 4 – not be effective as non statutory; Option 5 encompasses many of the weaknesses of all previous options. Need to consider the effect of the ageing population
5.	Lord Low	House of Lords	Option 6 – with the proviso that the membership was enough to ensure that pan disability concerns could be addressed.	Prefer to have it on a statutory basis.
6.	Alan Hunt	Pembrokeshire County Council	Options 3 & 1 combined – with the option to go the Eq2025 when required	Essential that disability issues are monitored as changes are rolled out – to ensure that changes work effectively.
7.	Andy Kirby	Anonymous response	Mixture of Options	Should not consider Options as mutually exclusive of each other – i.e. Option 2 & 1 mesh well with either 3 & 6 or 2,3 and 1 or 2,6 & 1 – reasons being that need to combine broad brush exposure to ministers on a range of impairment related issues with detailed advice based on experience and through grounding in current disability legislation.
8.	Brian	Member of public	-	DPTAC failed to act to ensure toilets are provided on class 455 trains.



	Oatway			
9.	Helen Bryant	Reading Borough Council	Option 2 but would prefer to retain DPTAC	
10.	Clive Durdle	Consultant	-	-
11.	Tim Reardon	Chamber of Shipping	Option 1	This arrangement would allow for a flow of information and allow the Dept. to have access to expert advice.
12.	Barclay Bisset	Aberdeen Action on Disability	Retain DPTAC	
13.	Margaret Bochel	Aberdeen City Council	Retain DPTAC	DPTAC as a statutory body is its major strength.
14.	David Brown	Stirling & Clackmannanshire Councils	Abolish DPTAC – MACS is already existing i.e. Option 6	MACS- Mobility and Access Committee Scotland is accountable to Scottish Ministers which embraces all disability areas but this would then become a devolved issue and thereby requiring funds (from DPTAC's budget) to be made available to Scottish Government, Transport Scotland or MACS.
15.	Kevin Davis	CAE_ Centre for Accessible Environments	New Options - suggested	Set up new non-statutory cross departmental body hosted by an organisation that has access to both professional and users spheres in disability and from the perspective of an ageing population. Or – Reform Eq2025.
16.	Daniel Parker-Klein	The Chartered Institute of Logistics and Transport (UK)	Retain DPTAC – Important as it brings advice to SoS on any issue of importance	Dept. lost expertise with the dispersal of the Mobility & Inclusion Unit and therefore Option5 would not work; option 2- not provide in depth on call advice, no mechanism to resolve conflict; option 3 – no in depth expertise on transport issues- an area where detailed technical understanding is as important as broad policy advice; Option 1 some merit but need to bring experts together on a regular basis.
17.	Trevor Meadows	Previous member of DPTAC	None suggested	DPTAC needs to be retained but there needs to be a clearer understanding of what additional work is needed to produce all of the info. needed to develop appropriate passenger transport system.
18.	Dai Powell	DPTAC	Alternative - combination of Options	Principles of Establishing a replacement Body – Independence, Understanding, Credibility, Supporting Understanding, pan disability and Representative. Create an independent body with representatives (knowledge of transport issues and how they affect disabled people with formal representatives from transport industry, DFT and devolved administrations.
19.	Carol Thomas	Guide Dogs & The joint Committee on Mobility of Blind and partially Sighted People	DPTAC should be retained (albeit reformed) Possible Option 6 combined with	

		(JCMBPS)	Option 1 but need to have statutory basis.	
20.	IMTAC	IMTAC	Retain DPTAC	Need to formally consult on the rationale for abolishing DPTAC, and associated costs for other options
21.		Inclusion London	Retain DPTAC but reform to include transport operators etc.	Option 6- need to have statutory status to ensure status.
22.		Inclusion Scotland	Retain DPTAC	No other options are viable
23.	Joe Hennessey	Joint Committee on Mobility for Disabled People (JCMD)	DPTAC should be retained (albeit reformed)	No other options are viable
24.	John Moore	Lothian Community Transport Services (LCTS)	New Option suggested i.e. DPTAC should be retained (albeit reformed)	Statutory Advisory Body with a tighter remit than DPTAC.
25.	Mike A Jones	Liverpool Airport Consultative Committee	Option 1 – but ensure that it consist of practitioners and not just theorists.	
26.	Wayne Trevor	London Underground Limited Accessibility and Inclusion	Retain DPTAC	Statutory status important.
27.	Ann MacLean	MACS	Retain DPTAC – but if pushed Option 6, combination of 6& 1 could also work	Statutory status important, if non statutory then an obligation should be placed on Ministers to formally consult.
28.	Murray Hardy	Naleo- National Association of Licensing and	Option 1	

		Enforcement Officers)		
29.	Douglas Gildroy	National Federation of the Blind of the United Kingdom	Retain DPTAC	Statutory status is a major strength. DPTAC does not cost that much.
30.	Trevor Boaler	National Taxi Trades Group	Option 1	Ensuring representation of taxis
31.		Passenger Focus	Option 6 - with suggested amendments	Need an independent body with sufficient expertise to weigh the issues and reach a practical decision.
32.	Marije Davidson	RADAR	Option 3 & 1 (combined) or 6 & 1 combined.	Option 3 would need to be reconstituted. And could be set up as Option 4. Suggested Option – engage an existing pan-disability organization with relevant expertise to carry out functions of the body contemplated by option 4.
33.	Colin Reid	Passengers view Scotland	Combination of options 6 & 1.	Endorse evidence submitted by MACS.
34.		Ricability	Hybrid of Options 6 & 1	Establish a body as in option 4 and a register of experts and stakeholders to be called on as required – this panel to meet at least twice a year and have the power to establish permanent or temporary panels to consider specific issues. Groups should be paid for their work.
35.	Neil Scales	RTiG	Option 1	Lists challenges to overcome
36.	Alan Rees	SATA – Scottish Accessible Transport Alliance	Retain DPTAC	Dedicated secretariat at arms length from DfT.
37.	Ann M Young	SEAG	Retain DPTAC	Review its remit and membership and ensure that its statutory duties are adhered to. Maintaining concordats with MACS.
38.	Julie Smethurst	Sheffield Transport 4 all	No specific Option preferred but Option 1 could work with modifications	
39.	Brian Watchorn	Sheffield City Council's Access Liaison Group	Retain DPTAC	A blend of 6 & 1 considered reasonable;
40.	Graham Redgwell	Stansted Airport Consultative Committee (STACC)	No options given	No objections to abolish DPTAC but need to ensure that any successor arrangement must include a method by which the views and needs of those with disability can be taken into account in transport planning.

41.	Julian Fiorentini	Previous member of DPTAC- Mobility Programme manager TfL.	Option 6 or 1	Need to ensure that suitably knowledgeable disabled people are on the body/panel.
42.		Tyne and Wear Intergrated Transport Authority and NEXUS	Option 1 but combinations of options could also work effectively	
43.	Workshop Group 1	(Sharon Maddix)	Best parts of Options 3, 6 and 1 brought together.	Case study provided – Option 3 would have to work with option 6 and/or 1 Combination would mean that the Department would benefit from strategic advice, a cross-government viewpoint and still be able to obtain the detailed specialist advice that is crucial for transport policy development.
44.	Workshop group 2	(Annette Lewis)	Mixture of Options 6 & 1	Listed advantages and disadvantages of options (reiterated above).
45.	Workshop group 3	(Angela Trevethick)	Retaining DPTAC needed to be considered but a Combination of Options may also work effectively	Options 3 & 1- However modifications would be needed Options 6 & 1- similar to above. Strongly suggested that DPTAC should continue in statue but have some of its obligations removed e.g. minimum number of members, prescribed number of meetings.
46.	Workshop Group 4	(Nigel Dotchin)	Various combinations	Options 2 & 6 combined while strengthening links with eq2025.
47.	Workshop Group 5	(Jessica Matthew)	Combination of Options	General opposition to abolish DPTAC but also some criticism of how it functions. Overall Option 6 preferred but needs to be proactive and forward looking. Example provided – Vehicle Crime Reduction Action Team. (Home Office). Option 1- Too ad-hoc, secretariat/coordinator would be needed as need to know personal knowledge of panel members.
48.	Simon Buck	British Air Transport Association (BATA)	Mixture of options 6 & 1	A non statutory body to give flexibility within the system, involving a group of known experts within each field.
49.	Keith Harlow	Heathrow Airport Consultative	Ideally preferred DPTAC not to be	

		Committee	abolished but if this is the case – Option 1 – but mandating a meeting every year.	
50.	Louise Outram	Merseytravel – Merseyside Integrated Transport Authority and Passenger Transport Executive	Retain DPTAC	While understand that it is timely to review DPTAC's focus going forward but it is important that the strengths of DPTAC is not lost. DPTAC has provided a pathway into government and ensured that voices of those affected by proposals have been heard and this must continue.

Furthermore – we intend to go to a formal consultation re the precise form of any successor arrangements which will be subject to a consultation and normal government process.

**Please seek clearance from the Press Office to publish this EqlA on the DfT Website.**

<http://www.dft.gov.uk/consultations/eqlas/>

**Signed off by:**

**Name** \_\_\_\_\_

**Job Title:** \_\_\_\_\_

# Annex E Draft Order

*Draft Order laid before Parliament under section 11 of the Public Bodies Act 2011, for approval by resolution of each House of Parliament after the expiry of the 40-day period referred to in section 11(4) of that Act.*

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## DRAFT STATUTORY INSTRUMENTS

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**2012 No.**

### **PUBLIC BODIES**

#### **The Public Bodies (Abolition of Disabled Persons Transport Advisory Committee) Order 2012**

*Made* - - - - 2012

*Coming into force* - - 2012

The Secretary of State for Transport makes the following Order in exercise of the powers conferred by sections 1(1), 6(1) and (5) and 35(2) of the Public Bodies Act 2011<sup>(7)</sup> (“the Act”).

In accordance with section 8 of the Act, the Secretary of State considers that this Order—

- (a) serves the purpose of improving the exercise of public functions, having regard to the factors set out in section 8(1); and
- (b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The consent of the Scottish Parliament, National Assembly for Wales and the Welsh Ministers has been obtained in accordance with section 9(1), (6) and (7) of the Act.

The Secretary of State has consulted in accordance with section 10 of the Act.

The Secretary of State has consulted the Scottish Ministers in accordance with section 88(2) of the Scotland Act<sup>(8)</sup> [and the Welsh Ministers in accordance with section 63(1) of the Government of Wales Act 2006<sup>(9)</sup>].

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<sup>(7)</sup> 2011 c. 24.  
<sup>(8)</sup> 1998 c. 46.  
<sup>(9)</sup> 2006 c. 32.

A draft of this Order, and an explanatory document containing the information required by section 11(2) of the Act, have been laid before Parliament in accordance with section 11(1) after the end of the period of twelve weeks mentioned in section 11(3). In accordance with section 11(4) of the Act, the draft of this Order has been approved by a resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

### **Citation and commencement**

**1.**—(1) This Order may be cited as the Public Bodies (Abolition of Disabled Persons Transport Advisory Committee) Order 2012.

(2) Subject to paragraph (3), this Order comes into force on \*\* 2012.

(3) Paragraph (9) of Part 1 of the Schedule comes into force \*\* 2012 [one day later than the date in Article 1(2)].

### **Abolition of the Disabled Persons Transport Advisory Committee**

**2.** The Disabled Persons Transport Advisory Committee is abolished.

### **Amendments**

**3.**—(1) The consequential and supplementary amendments to primary legislation set out in Part 1 of the Schedule have effect.

(2) The consequential amendments to secondary legislation set out in Part 2 of the Schedule have effect.

Signed by authority of the Secretary of State for Transport

2012

Parliamentary Under Secretary of State  
Department for Transport

# SCHEDULE

## Amendments

### PART 1

Article 3(1)

#### Consequential and Supplementary Amendments to Primary Legislation

##### **Parliamentary Commissioner Act 1967**

1. In Schedule 2 to the Parliamentary Commissioner Act 1967<sup>(10)</sup> (departments etc subject to investigation), omit the entry for the Disabled Persons Transport Advisory Committee.

##### **Transport Act 1985**

2.—(1) The Transport Act 1985<sup>(11)</sup> is amended as follows.

(2) For the italic heading preceding section 125 substitute “Transport Services for Disabled Persons”.

(3) In section 125 (the Disabled Persons Transport Advisory Committee and Secretary of State’s guidance)—

(a) in the heading, omit the words “Disabled Persons Transport Advisory Committee and”; and

(b) omit subsections (1) to (6), (8) and (9).

(4) Omit Schedule 5 (The Disabled Persons Transport Advisory Committee).

##### **Railways Act 1993**

3. In section 71B of the Railways Act 1993<sup>(12)</sup> (code of practice for protection of interests of rail users who are disabled), for the words from “the Disabled” to the end substitute “such persons as the Secretary of State thinks fit”.

##### **Greater London Authority Act 1999**

4.—(1) The Greater London Authority Act 1999<sup>(13)</sup> is amended as follows.

(2) In section 142 (the Mayor’s transport strategy)—

(a) omit subsection (4)(a) and the word “and” immediately after it; and

(b) in subsection (4)(b), omit “other”.

(3) In section 240 (travel concessions on journeys in and around Greater London), omit subsection (5B)(a).

##### **Freedom of Information Act 2000**

5. In Part VI of Schedule 1 to the Freedom of Information Act 2000<sup>(14)</sup> (other public bodies and offices: general), omit the entry for The Disabled Persons Transport Advisory Committee.

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<sup>(10)</sup> 1967 c. 13; a new Schedule 2 was inserted by S.I. 2011/751.

<sup>(11)</sup> 1985 c. 67; Schedule 5 was amended by the Local Transport Act 2008 (c. 26), section 72(1), (2)(a) and (b) and (3).

<sup>(12)</sup> 1993 c. 43; section 71B was inserted by the Transport Act 2000 (c. 38), section 216 and Part II of Schedule 17, paragraphs 17; and amended by the Railways Act 2005 (c. 14), section 1(1), Part 1 of Schedule 1, paragraph 29(1).

<sup>(13)</sup> 1999 c. 29.

<sup>(14)</sup> 2000 c. 36.



## **Transport Act 2000**

**6.**—(1) The Transport Act 2000<sup>(15)</sup> is amended as follows.

(2) In section 145A (England: mandatory concessions for journeys not beginning on the London bus network), omit subsection (7)(a).

(3) In section 145B (Wales: mandatory concessions), omit subsection (7)(a).

(4) In section 248 (substitute services to be suitable for disabled passengers)—

- (a) omit subsection (5)(a) and the word “and” immediately after it; and
- (b) in subsection (5)(b), omit “other”.

## **Railways Act 2005**

**7.** In section 48 of the Railways Act 2005<sup>(16)</sup> (code of practice for disabled rail users in Scotland), omit subsection (3).

## **Equality Act 2010**

**8.**—(1) The Equality Act 2010<sup>(17)</sup> is amended as follows.

(2) In section 164 (exemption from taxi accessibility regulations), in the opening words to subsection (4), omit the words “the Disabled Persons Transport Advisory Committee and” and “other”.

(3) In section 174 (PSV accessibility regulations)—

- (a) omit subsection (5)(a) and the word “and” immediately after it; and
- (b) in subsection (5)(b), omit “other”.

(4) In section 182 (rail vehicle accessibility regulations)—

- (a) omit subsection (8)(a) and the word “and” immediately after it; and
- (b) in subsection (8)(b), omit “other”.

(5) In section 183 (exemptions from rail vehicle accessibility regulations), in the opening words to subsection (4), omit the words “the Disabled Persons Transport Advisory Committee and” and “other”.

(6) In section 184 (procedure for making exemption orders)—

- (a) omit subsection (2); and
- (b) in subsection (5)—
  - (i) omit paragraph (a) and the word “and” immediately after it; and
  - (ii) in paragraph (b), omit “other”.

## **Public Bodies Act 2011**

**9.** In Schedule 1 to the Public Bodies Act 2011 (power to abolish: bodies and offices), the entry “Disabled Persons Transport Advisory Committee” is repealed.

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<sup>(15)</sup> 2000 c. 38.

<sup>(16)</sup> 2005 c. 14.

<sup>(17)</sup> 2010 c. 15.

## PART 2

Article 3(2)

### Consequential Amendments to Secondary Legislation

#### **Welsh Language Schemes (Public Bodies) Order 1999**

10. In Part I of the Schedule to the Welsh Language Schemes (Public Bodies) Order 1999<sup>(18)</sup>, omit the entry, in English and Welsh, for the Disabled Persons Transport Advisory Committee and Pwyllgor Ymgynghorol Trafnidiaeth i'r Anabl.

#### **Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999**

11. In the Schedule to the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999<sup>(19)</sup>, omit the entry for the Disabled Persons Transport Advisory Committee.

#### **Trunk Road Charging Schemes (Bridges and Tunnels) (England) Procedure Regulations 2001**

12. In regulation 4 (consultation) of the Trunk Road Charging Schemes (Bridges and Tunnels) (England) Procedure Regulations 2001<sup>(20)</sup>, omit paragraph (f).

#### **Infrastructure Planning (National Policy Statement Consultation) Regulations 2009**

13. In Table 1 in regulation 3 (consultation) of the Infrastructure Planning (National Policy Statement Consultation) Regulations 2009<sup>(21)</sup>, omit the entry for “The Disabled Persons Transport Advisory Committee”.

#### **Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009**

14. In Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009<sup>(22)</sup>, omit the entry for The Disabled Persons Transport Advisory Committee.

#### **Public Transport Users’ Committee for Wales (Establishment) Order 2009**

15. In article 4(1) (constitution and membership of the Committee) of the Public Transport Users’ Committee for Wales (Establishment) Order 2009<sup>(23)</sup>, omit subparagraph (c).

#### **Infrastructure Planning (Interested Parties) Regulations 2010**

16. In the Schedule to the Infrastructure Planning (Interested Parties) Regulations 2010<sup>(24)</sup>, omit the entry for The Disabled Persons Transport Advisory Committee.

#### **Infrastructure Planning (Compulsory Acquisition) Regulations 2010**

17. In Schedule 2 to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010<sup>(25)</sup>, omit the entry for The Disabled Persons Transport Advisory Committee.

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<sup>(18)</sup> S.I. 1999/1100.

<sup>(19)</sup> S.I. 1999/1319, to which there are amendments not relevant to this Order.

<sup>(20)</sup> S.I. 2001/2302, to which there are amendments not relevant to this Order.

<sup>(21)</sup> S.I. 2009/1302, to which there are amendments not relevant to this Order.

<sup>(22)</sup> S.I. 2009/2264, to which there are amendments not relevant to this Order.

<sup>(23)</sup> S.I. 2009/2816.

<sup>(24)</sup> S.I. 2010/102.

<sup>(25)</sup> S.I. 2010/104.

## **Infrastructure Planning (Changes to, and revocation of, Development Consent Orders) Regulations 2011**

**18.** In Schedule 1 (consultation and notification) to the Infrastructure Planning (Changes to, and revocation of, Development Consent Orders) Regulations 2011<sup>(26)</sup>, omit the entry for The Disabled Persons Transport Advisory Committee.

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

The Public Bodies Act 2011 (“the Act”) gives Ministers general order making powers to abolish, merge or modify a number of public bodies and offices established in primary legislation. This Order is made under section 1 of the Act that allows for the abolition of such bodies or offices that are specified in Schedule 1. The Disabled Persons Transport Advisory Committee is specified in Schedule 1.

Orders can only be made under section 1 of the Act where the considerations set out in section 8 have been satisfied. Such an order may only be made if it is considered it serves the purpose of improving the exercise of public functions having regard to efficiency, effectiveness, economy and securing appropriate accountability to Ministers; and that the order does not remove any necessary protection and does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

Section 6 of the Act allows the order to make consequential and supplementary amendments.

*Article 2* of this Order provides for the abolition of the Disabled Persons Transport Advisory Committee. *Article 3* and *Parts 1* and *2* of the *Schedule* set out the consequential and supplementary amendments to primary legislation and consequential amendments to secondary legislation required as a result of the abolition of the Disabled Persons Transport Advisory Committee.

A full impact assessment of the effect that this Order will have on the costs of business and the voluntary sector is annexed to the Explanatory Memorandum, available alongside the instrument on the [www.legislation.gov.uk](http://www.legislation.gov.uk) website.

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<sup>(26)</sup> S.I. 2011/2055.

# Annex F Draft Explanatory Memorandum

## **EXPLANATORY MEMORANDUM TO THE PUBLIC BODIES (ABOLITION OF DISABLED PERSONS TRANSPORT ADVISORY COMMITTEE) ORDER 2012**

**[Year] No. [XXXX]**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 The instrument (currently in draft and subject to consideration of consultation responses) will abolish the Disabled Persons Transport Advisory Committee (DPTAC), which was established by section 125 of the Transport Act 1985. The instrument also sets out amendments to primary and secondary legislation that is consequential on any decision to abolish DPTAC. There are no successor arrangements set out in the instrument which will be dependent on consultation responses and whether any such arrangements may be properly determined administratively.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Context**
  - 4.1 DPTAC was established by section 125 of the Transport Act 1985 as an independent advisory body. They have a statutory role in enabling the views of disabled passengers to be considered at the early stage of transport policy development and delivery.
  - 4.2 The Government announced planned reforms to public bodies on 14 October 2010, updating the proposals in March 2011, with a view to increasing transparency and accountability, cutting out duplication of activity, and discontinuing activities which are no longer needed.

- 4.3 The instrument is made under section 1 of the Public Bodies Act 2011 ('the Act') which allows a body or office specified in Schedule 1 to be abolished by order. DPTAC is a body listed in Schedule 1.
- 4.4 Section 11(2) of the Act provides that this explanatory document must introduce and give reasons for the order; and explains why the requirements of section 8 of the Act are satisfied. It must also contain a summary of representations received in the consultation.

## 5. Compliance with section 8 of the Public Bodies Act 2011

- 5.1 The Minister considers (subject to taking into account the consultation responses) that the order serves the purpose in section 8(1) of the Act of improving the exercise of public functions having regard to:
  - 5.1.1 **Efficiency:** The decision to abolish DPTAC is consistent with achieving a more efficient undertaking of public functions. DPTAC's primary function is to provide the Department with independent advice in relation to the impact of transport policy development and any corresponding regulation and/or guidance for disabled passengers. DPTAC has a statutory duty to consider any matter referred to it by the Department. There are also statutory requirements placed on the Secretary of State, the Mayor of London, the Welsh and Scottish Ministers to consult DPTAC before preparing Codes of Practice or guidance on matters relating to disabled passengers' use of public transport. DPTAC is also listed as a statutory consultee in primary and secondary legislation.
  - 5.1.2 The Minister considers that the statutory regime under which DPTAC operates is an outdated and restricted model which can not be justified as it no longer meets the needs of the Department. Subject to consideration of the consultation responses – it is the Minister's view that these functions can be appropriately carried out by departmental officials by way of consultative programmes and meetings directly with stakeholder groups; by establishing a panel of experts and/or other stakeholder forum; and/or also referring relevant issues to any existing cross government body. This will ensure disabled passengers continue to have an appropriate mechanism to provide their views and comments to the development of transport policies.
  - 5.1.3 **Effectiveness:** The DPTAC statutory regime no longer allows the effective delivery of the DPTAC functions. It is no longer sufficiently representative to do so. While having realised significant results in the past DPTAC no longer provides an effective mechanism for realising further improvements for disabled passengers in the coming years.
  - 5.1.4 **Economy:** Subject to consideration of the consultation responses - the abolition of DPTAC would represent a saving of almost £500,000. The successor arrangements would be utilised with much more flexibility

than is provided under the DPTAC regime and so would provide better value for money for the taxpayer.

5.1.5 **Securing appropriate accountability to Ministers:** The abolition of DPTAC will not result in any change in the accountability of the Minister, since the Minister has always and will continue to remain ultimately accountable for ensuring the nation's transport system takes account of the needs of disabled passengers.

5.2 The Minister considers that the conditions in section 8(2) of the Act are satisfied both in relation to the DPTAC committee members and disabled passengers. Abolition of DPTAC will not affect the direct or indirect exercise of any rights or freedoms. The DPTAC committee members do not have employee status but hold a statutory office. The legal rights and protections of disabled passengers are not affected because there will be an alternative mechanism to allow their views and needs to continue to be taken into account.

## **6 Territorial Extent and Application**

6.1 This instrument applies to all of the United Kingdom.

## **7. European Convention on Human Rights**

7.1 The Transport Minister has made the following statement regarding Humans Rights:

In my view the provisions of the Public Bodies (Abolition of Disabled Persons Transport Advisory Committee) Order 2012 are compatible with the Convention rights.

## **8. Policy background**

8.1 What is being done and why is covered in paragraphs 5.1 and 5.2.

8.2 In advance of this consultation the Department invited those with an interest in DPTAC's successor arrangements to submit their views and any supporting evidence. This was done via a written ministerial statement on 7<sup>th</sup> June 2011 and responses were requested by 21<sup>st</sup> July 2011. A workshop was also held on 11th July 2011 so that the options could be discussed and explored in more detail. The options that are in the consultation have been refined in line with views expressed in the workshop and responses received from the call for evidence.

## Devolution

8.3 Section 9 of the 2011 Act requires consent to be obtained from the Scottish Parliament, the Northern Ireland Assembly and the Welsh Ministers in relation to an order made under sections 1 to 5 which

covers functions within the legislative competence of the respective devolved administrations, or affect the functions of their Ministers.

## *Wales*

- 8.3.1 Section 9(6) sets out the requirements of consent to be obtained from the National Assembly for Wales (NAW) to make an order which would be within their competence. Section 9(7) requires Welsh Ministers' consent for provisions which modify their functions, or where the Order could be made by them instead.
- 8.3.2 Consent from NAW and from the Welsh Ministers will be required in relation to the consequential amendments being made by this order in that the Assembly has competence for at least some of the matters on which DPTAC advises.
- 8.3.3 The amendment to section 145B of the Transport Act 2000 is likely to be wholly within the legislative competence of NAW as it relates to bus concessions within Wales. The amendment to article 4(1) of the Public Transport Users' Committee for Wales (Establishment) Order 2009 will probably require Welsh Ministers consent under section 9(7)(b). NAW consent may also be required for this provision.
- 8.3.4 The Minister has decided to make the changes to the Welsh Language Schemes (Public Bodies) Order 1999, as that is an Order made under the Welsh Language Act 1993. However, he is not proposing to make any changes to the Welsh Language (Wales) Measure 2011 as the Welsh language is a subject about which the NAW can legislate. It is therefore not included as an amendment in the draft Order.

## *Scotland*

- 8.3.5 DPTAC is specified as a cross-border public authority (CBPA) in the Schedule to the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999. The Minister therefore considers that this Order will require the consent of the Scottish Parliament, in line with section 9(1) of the Act. The provision of advice by DPTAC relates to the exercise of devolved functions in Scotland, and its abolition would alter the functions of the Scottish Ministers in at least one respect (the amendment to section 48 of the Railways Act 2005).
- 8.3.6 The Minister has decided that this Order should make the amendments to the Railways Act 2005, as above, and omit the reference to DPTAC in the 1999 Order referred to in paragraph 7.1.5 above. Reference is made to DPTAC in section E5 of Schedule 5 to the Scotland Act 1998. An amendment to that provision is considered neither necessary nor desirable. The reference to DPTAC is merely by way of reference in the parenthetical descriptor to section 125(8) of the Transport Act 1985. Section E5 reserved the subject-matter of section 125(7) and (8) of the 1985 Act, rather than the legislative provisions themselves. An

amendment to this provision would entail an amendment to the reservation itself; that is not the policy intention. Article 5(1) of the draft Order states that there is no intention that section 125(7) be revoked, only section 125(8).

### *Northern Ireland*

8.3.7 Northern Ireland has its own advisory committee - The Inclusive Mobility and Transport Advisory Committee which is a committee of disabled people and older people as well as others. Their role is to advise Government and others in Northern Ireland on issues that affect the mobility of older people and disabled people.

8.3.8 DPTAC has in the past, invited Northern Ireland representative as observers to their meetings.

- Consolidation

8.4 Since this instrument deals with the abolition of a body under the 2011 Act and amendments consequential on that abolition, it is not proposed to consider consolidation.

## **9. Consultation outcome**

9.1 The consultation exercise is yet to be carried out.

## **10. Activity during the legislative passage**

10.1 An amendment (no. 34) to remove DPTAC from Schedule 1 to the Bill was not moved at the Lords Committee stage on 11 January 2011 but was spoken to in relation to the debate on the Disability Living Allowance Advisory Board (amendment no. 33)<sup>27</sup>.

10.2 The debate revolved around DPTAC strong record for bringing about change for disabled passengers and concern about the successor arrangements for DPTAC.

## **11. Guidance**

11.1 As the instrument deals with the abolition of DPTAC no guidance is currently being considered. The department will keep this under review.

## **12. Impact**

12.1 The impact on business, charities or voluntary bodies is nil.

12.2 The impact on the public sector is nil.

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<sup>27</sup> Hansard reference: HoL debate 11 January 2011, column 1312 onwards  
<http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/110111-0001.htm#11011158000502>



12.3 An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on [www.legislation.gov.uk](http://www.legislation.gov.uk)

**13. Regulating small business**

13.1 The legislation does not apply to small business.

**14. Monitoring & review**

14.1 Cabinet Office will carry out a post legislative scrutiny review after the passage of the Public Bodies Bill and the Department will monitor the outcome of that.

**15. Contact**

**15.1** Nigel Dotchin at the Department for Transport (Tel: 0207 944 4912 or e-mail: [nigel.dotchin@dft.gsi.gov.uk](mailto:nigel.dotchin@dft.gsi.gov.uk)) can answer any queries regarding the instrument.

# Annex G Consultation Response form

## Part 1 - Information about you

Name	
Address	
Postcode	
email	
Company Name or Organisation (if applicable)	
Please tick one box from the list below that best describes you /your company or organisation.	
<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Trade Union
<input type="checkbox"/>	Interest Group
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Other (please describe):
If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:	

If you would like your response or personal details to be treated **confidentially** please explain why:

## PART 2 - Your comments

1. Do you agree with the assumptions made in the Draft Impact assessment?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Please explain your reasons, with supporting evidence:		

2. Which option in your opinion, provides more flexibility over working arrangements and appointments?	
Please could you state your reasoning:	

3. Which option in your opinion provides the most accountability to Ministers:	
Please could you state your reasoning:	

4. In your opinion how important is it that the option is able to provide advice that is representative of all disabilities and disabled groups?	
Please state your reasoning and provide examples of the implications on disability issues of advice not meeting your opinion:	

5. In your opinion how important is it that the option is able to provide advice on technical matters?	
Please state your reasoning and provide examples of the implications on disability issues of advice not meeting your opinion:	

6. In your opinion how important is it that the option is able to provide cross government advice on transport disability issues, bringing together impacts on health, social care etc?	
Please state your reasoning and provide examples of the implications on disability issues of advice not meeting your opinion:	

7. Do you agree with the benefits and costs presented in the Impact Assessment for each of the options?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Are there any other benefits, costs and risks that we need to consider? Please state your reasoning and provide supporting evidence:		

8. Considering your responses to above, what in your opinion is the best option/combination of options?	
---	--

Please explain your reasons and add any additional comments you wish to make:

9. Are there other options that we need to consider?

YES ☐

NO ☐

Please explain these in details, including providing information on the benefits, costs and risk of the option. Please provide supporting evidence:

10. Do you think that DPTAC should be abolished?

YES ☐

NO ☐

Please state your reasons for your opinions:

## Annex H List of Consultees

Age UK  
Arthritis Care  
Assistance Dogs UK  
Assist UK  
Association of British Insurers  
British Deaf Association  
British Healthcare Trades Association  
London Borough of Camden (Passenger Accessible Transport Services)  
College of Occupational Therapists  
c2c Rail  
Confederation of Passenger Transport UK  
Disability Essex, Centre for Disability Studies  
Disability Living Foundation  
Disabled Motoring UK  
Disabled Persons Transport Advisory Committee  
Equalities & Human Rights Commission, (Disability Committee)  
Equality 2025  
Forum of Mobility Centres  
The Guide Dogs for the Blind Association  
Inclusion London  
Inclusive Mobility & Transport Advisory Committee (Northern Ireland)  
Joint Committee on Mobility of Blind & Partially Sighted People  
Joint Committee on Mobility for Disabled People  
Ministry of Justice  
Leonard Cheshire Disability  
Medicines & Healthcare products Regulatory Agency (Devices Division)  
MENCAP  
Mental Health Action Group  
MIND  
Mobility & Access Committee (Scotland)  
Motability  
National Association of Licensing & Enforcement Officers  
National Centre for Independent Living  
National Federation of the Blind of the United Kingdom  
National Federation of Shopmobility

Nexus (Tyne and Wear Passenger Transport Executive)  
Norfolk Partners Against Crime Taskforce  
Passenger Transport Executive Group  
People First  
Department of Regional Development (Northern Ireland)  
RAC Foundation  
RADAR  
National Wheelchair Managers Forum (Rehabilitation -  
Engineering and Aids to Living)  
Road Safety GB  
Royal National Institute of Blind People  
Royal National Institute for Deaf People  
Royal Society for the Prevention of Accidents  
SENSE  
Scope  
Spinal Injuries Association  
Transport for Greater Manchester  
Transport for London  
Trailblazers Project Manager  
Association of Train Operating Companies  
UK Drugs Policy Commission  
Department of Work & Pensions



# Annex I Consultation Criteria

The consultation is being conducted in line with the Government's Code of Practice on Consultation. The criteria are listed below. A full version of the Code of Practice on Consultation is available on the Better Regulation Executive website at <http://www.bis.gov.uk/files/file47158.pdf>. If you consider that this consultation does not comply with the criteria or have comments about the consultation process please contact:

Consultation Co-ordinator  
Department for Transport  
Zone 2/25 Great Minster House  
London SW1P 4DR  
Email [consultation@dft.gsi.gov.uk](mailto:consultation@dft.gsi.gov.uk)

## Criterion 1 When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

## Criterion 2 Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

## Criterion 3 Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

## Criterion 4 Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

## Criterion 5 The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

## Criterion 6 Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

## Criterion 7 Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.