

Disability Rights Commission

Avoiding Disability Discrimination in Transport

A Practical Guide for Taxi
and Private Hire Services

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1. Introduction

Access to transport is fundamental to full and independent participation in society as a whole. Yet, disabled people travel one third less than non-disabled people. In the context of an increasingly mobile society and an ageing population where there are likely to be higher levels of disability, it is essential that the transport industry develops to meet these challenges. Many improvements have already been made or are well under way, but there is still a significant way to go.

The Disability Rights Commission (DRC) is thus producing a series of good practice guides for transport providers. Each guide deals with a different transport sector and offers practical advice on good practice in serving disabled customers. The following sectors are covered:

- scheduled buses and coaches
- breakdown recovery services
- rail services
- rental vehicles
- taxis and private hire vehicles (PHVs)
- tour coaches.

2. Purpose and scope of this Guide

This Guidance is primarily aimed at drivers and companies operating taxis in England, Scotland and Wales and/or Private Hire Vehicles in England and Wales or Private Hire Cars in Scotland (PHV/C). It includes chauffeur services offering specialist, long-distance transport to airports, for example. However, licensing authorities also have a significant role to play and specific information has also been included for them.

Taxis and private hire vehicles have been identified by disabled people as the second most popular mode of transport they use. They play a huge role in enabling disabled people to travel. With disabled people being increasingly encouraged to play a fuller role in society the use of taxis and PHV/Cs will undoubtedly increase. Many drivers will already have experience of providing a service for disabled passengers and may well be familiar with some of the practice we describe in this guide. We hope that this guide will help all drivers provide a safe and comfortable service to the wide range of disabled people they may encounter in their work.

This Guidance is not intended to offer a detailed explanation of the workings of the Disability Discrimination Act 1995 (DDA) as it applies to disabled people and transport. The DRC has already produced two Codes of Practice which are designed for this purpose, and more detail on these can be found in the following section 'What the law says' and in **Appendix 1** to this guide.

Rather than replicating these Codes, which are inevitably legalistic documents, this guide takes a more practical and

comprehensive approach. It covers the whole process of using taxi and PHV/C services. It deals with all aspects of the journey, including those services provided before, during and after it. This will include the point at which a potential customer starts planning a journey (information-seeking and publicity issues) and making a booking, to the end of the trip.

The scope of this publication is therefore not restricted to what is covered by the law, and it should not be treated as a legal interpretation, but rather as a guide to effective practice in serving disabled people. Nor is the guide a statement of best practice (a concept which is in any case difficult to define in a rapidly changing world). There may be occasions when operators of taxis and PHV/Cs may want to go beyond the advice given in this guide in order to effectively serve disabled customers.

2.1 What is an 'accessible taxi'?

It is not uncommon to hear reference to an 'accessible taxi', however this is not a term we use in this guide. In general when someone talks of an accessible taxi they mean one which can accommodate someone who needs to travel in the vehicle seated in a wheelchair. However many people with other impairments find that such vehicles present barriers to them because they may have a high floor which involves a big step up, or, in the case of the London-style cab and some other converted vehicles, there is a large space from the entrance to the seat. Although the latest designs of the London cab include features such as a swivel seat to resolve such problems there are many disabled people who find a conventional saloon car easier to use.

The Government has the power under the DDA to issue regulations governing the design of taxis (but not PHV/Cs) so that they are accessible to all disabled people, but to date they have not used this power. Consequently there is no vehicle which we can confidently state would be regarded as accessible to all disabled people.

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At times in this guide we will refer to a 'wheelchair accessible vehicle', by which we mean a taxi or PHV/C in which the passenger can travel seated in their wheelchair, however we will not use the term 'accessible taxi'.

3. What the law says

Although, as stated above, this Guidance is not intended to provide an interpretation of the DDA, a brief summary of its basic principles is set out below. A more detailed summary is also provided in **Appendix 1**.

Essentially, the DDA makes it unlawful for organisations which provide services to the public to discriminate against disabled people in the way they provide or do not provide those services. This is much more than simply refusing or neglecting to provide a service; organisations must make 'reasonable adjustments' to remove or overcome elements in their services which present barriers to disabled people. The Act has been introduced in stages to allow businesses time to review the way in which they deliver their services and plan the changes they need to make to remove discriminatory aspects.

All transport providers have duties under the DDA. These duties will vary according to the type of vehicles and services they offer to the public.

Currently all transport providers have duties under Part 3 of the DDA in relation to transport infrastructure. In the case of taxis and PHV/Cs, this includes services such as booking arrangements and minicab waiting rooms.

Since December 2006 taxi and PHV/C operators also have duties under Part 3 of the DDA in relation to the provision and use of the vehicles they provide.

The duties set out above will not affect the physical design of these vehicles. However, there is provision under Part 5 of the DDA for regulations affecting taxi design to be brought in. At the time of publication of this guide, no such regulations are in place.

Appendix 1 to this publication provides further information on the DDA duties referred to above. However, it is recommended that taxi and PHV/C drivers and operators refer to the relevant Codes of Practice for a full explanation of their legal duties. The DRC has produced a series of statutory Codes of Practice on various aspects of the DDA. These include two that relate to transport:

- the **Code of Practice on Rights of Access to Services and Premises** (known as the Part 3 Code), which covers duties in relation to the provision of transport infrastructure services, and
- the **Code of Practice on Provision and Use of Transport Vehicles** (supplementary to the Part 3 Code), which covers duties in relation to the provision and use of transport vehicles.

4. Who is a disabled person?

There are upwards of 10 million disabled people in Britain. Many may not think of themselves as disabled, but will nevertheless be covered by the DDA definition of disability. Some people are obviously disabled, such as someone who uses a wheelchair or a white cane, others may have disabilities which are not immediately obvious, such as a serious heart condition, mental health condition or diabetes.

Taxi and PHV/C drivers and operators should avoid stereotypical assumptions as to whether or not someone is disabled, or the extent of someone's disability. For example, some people who use wheelchairs can transfer – say to a seat in a taxi – others cannot. People who can walk may only be able to do so with difficulty and with the help of a walking aid.

Rather than making such assumptions, the operator should be focusing on the individual's service requirements. The nature of someone's disability is only relevant when considering whether and at what point they might require assistance. The issues of advance booking and providing personal information are explored further at sub-section 7.5.

One issue which the range of different disabilities serves to emphasise is the importance of staff training in disability awareness and equality issues. Staff attitudes towards disabled customers are often cited as the single most important aspect determining satisfaction with a service. Staff training is dealt with in section 6.

5. Planning for disabled customers

The DRC recommends that the ultimate aim for all transport providers should be to integrate provision for disabled customers to the point where it is automatically planned into the provision of any service, vehicle or building and, ideally, mainstreamed within that provision. This is in order to prevent, wherever possible, a situation in which disabled people are separated out from other passengers as 'special cases'.

Building disability equality into all service monitoring, review, planning and implementation should help ensure that the operator is providing an optimum level of service for its disabled customers (and undoubtedly many of its other customers also).

Keeping up-to-date with improvements in technology and vehicle equipment will help provide future solutions to the problem of inaccessible services. What may be beyond the budget or technologically impossible today may well be possible in the future, especially with a positive approach and effective long-term planning and budgeting.

6. Positive attitudes, positive outcomes – the importance of staff training

In many cases, a lack of understanding of the needs of disabled people and inappropriate staff attitudes can present as formidable a barrier to the use of transport as any physical barrier, and the taxi and private hire industries are no exception to this. In fact, it might be argued that the one-to-one nature of the industries' relationship between drivers and customers makes it even more important for such personnel to have a good understanding of how best to assist disabled people.

In the case of PHV/Cs and taxi booking services, it is important also to remember that there is contact between customers and staff who deal with requests for information and bookings. It follows that training all staff to understand how they can best meet the needs of disabled customers is absolutely essential. It is in any case worth considering that effective training of this kind can often reduce the need for general customer service training.

Support and commitment from management are crucial in achieving truly high standards and long-term change. Planning for the future should incorporate disability issues from the outset. It is recommended that disability equality training should include everyone in the organisation.

6.1 Content of a training programme

A programme of staff or individual driver training should obviously vary as appropriate according to the level of detail required. The following are some basic pointers for reference. The programme should:

- Be based upon the principle that disabled people are full members of society who are disabled by the poor design of the built environment, by a lack of clarity in information provided and by the inappropriate attitudes of others. This is referred to as the 'Social Model' of disability.
- Explain how to assist disabled people. This should cover the needs of people with all kinds of disability, not just those of people who are more obviously disabled, such as wheelchair users. Staff, including back office and management as well as drivers, should be trained not to simply assume that a person needs a particular form of assistance, and to ask what assistance is required before giving it.
- Involve disabled people, preferably with a wide range of disabilities. They are the experts on their disability and should be able to indicate where potential barriers are likely to be.
- Ensure that drivers know how to operate any equipment provided in the vehicle, such as a wheelchair ramp, and maintain it effectively.
- Explain how to communicate effectively, particularly with people with learning disabilities or speech impairments as well as people with a hearing loss.
- Give an overview of what the DDA legislation means in practice.
- Aid personal development, for example by encouraging staff to learn sign language.

Self-employed drivers may find that their local Licensing Authority will organise training, or hold information about where such courses are run. Alternatively they may collaborate with other drivers to organise training in their area. They may also find the Go Skills publication referred to in Appendix 2 helpful.

Some training courses have been run jointly for taxi drivers and owners and for taxi licensing officers, which gives the participants greater understanding of their respective roles and duties.

Licensing authorities that organise training in areas which have a high proportion of drivers for whom English is a second language may find it advisable to ensure that training materials are used which address disability in clear and appropriate language. As a matter of course all training should include the use of acceptable language when discussing the needs of disabled passengers.

6.2 Refresher training

Training of this kind is not a one-off activity. Refresher training should be undertaken regularly, for example, to take account of relevant technological developments and any changes in legislation.

7. Information about services and booking procedures

There are many means by which a prospective customer might try to find out about taxi or private hire services and make a booking. They might telephone, turn up at a booking office, or use the internet.

7.1 Printed material

For companies that produce printed literature, prospective customers might learn about the services on offer through advertising leaflets or cards. The advantage of providing leaflets and other printed promotional materials aimed directly at disabled people is that they might be used to:

- alert them to the fact that their needs are catered for by the company
- provide them with an idea of the type and level of service that they might be entitled to expect; and
- inform them of the steps they can take to help the company to better meet their needs (see sub-section 10.5 for feedback mechanisms).

Such a leaflet should include:

- a description of the service offered
- refer to available information sources (for example, a contact phone and website); and
- indicate the range of vehicles and accessibility features available.

It is a good idea to produce all printed material for the public, such as brochures about services, in a minimum font size of 14 point print (since many partially sighted people are able to read this size print), with a simple typeface and good contrast between text/numbers and background (for example, black text on white background). By adopting this approach, an operator is enabling many more people to read the information provided independently, without having to request it in another format.

7.2 Websites

If the company has a website, it should be designed so that it is accessible for disabled people in terms of content and usability, for example, how a customer can progress through it to make a booking. Guidelines on the design of accessible websites are available. In conjunction with the DRC, the British Standards Institute (BSI) have developed guidance for web commissioners and designers. This guidance can be purchased from the BSI at: www.bsigroup.co.uk/

The information on the company website should include brief details of any services and facilities that the operator can provide for disabled people. For example, the site should point out how many wheelchair-accessible taxis or PHV/Cs there are, how many saloon cars (some disabled people require this type of vehicle in preference to the current designs of wheelchair accessible vehicle), and how many people can be carried and so on. If the company provides the facility to book a taxi or PHV/C online, the website should ideally allow the passenger to specify a wheelchair accessible vehicle (if there are such vehicles within the fleet). If this is not possible they should advise a wheelchair user or anyone else who requires a particular feature (such as a saloon car rather than an MPV – Multi-Purpose Vehicle) to book by telephone and advise the staff taking the booking of their needs.

There are a number of specialist websites which list local taxi and PHV/C firm contact details. The site should identify firms which have wheelchair accessible vehicles, and any other features to meet the needs of disabled customers. For the reasons given below it is important that the information on these sites is kept up-to-date.

7.3 Information about improvements

When an operator has improved the accessibility of the service offered, it is important to draw this to the attention of disabled people. This might be done by a simple sign, notice or logo (for example, the internationally recognised wheelchair symbol) on or in the relevant vehicle or vehicles. Alternatively, the improvements might be highlighted in forms, documents or publicity materials used by the operator.

In this context, it is particularly important for operators and individual drivers to publicise their qualifications and competence in accessibility issues.

Marketing PHV/C and taxi booking services is an important part of a company's activity. If promotional information is not accessible, a significant part of the market may be missed.

Example: A PHV/C operator that offers a wide range of different vehicles for hire, including wheelchair accessible vehicles, includes as part of its marketing advertisements for its services in the local 'Talking Newspaper'. This ensures that potential customers who are blind or partially-sighted hear about what is on offer.

7.4 Booking by telephone

While taxis can be hailed on the street, or picked up at a designated rank, PHV/Cs have to be booked in advance,

nearly always by telephone. Telephone booking is also common for taxis when people plan their journeys in advance. The attitude and manner of the person receiving calls from customers are extremely important, since this person is the public's first point of contact with the company and the industry. It is therefore just as important for relevant training to be given to booking staff as to drivers.

The person receiving a call should be trained to obtain as much relevant information as possible about the passenger's needs at the time that a trip is booked, and provide information about the vehicle that is to be provided. This could include, for example, whether the vehicle is wheelchair accessible or has a swivel seat.

While the majority of customers will know that they require a vehicle with particular features to ensure that it is accessible to them there may be occasions where they might be unaware that they need to specify their access requirements. For example, if all the vehicles operated by a PHV/C firm are MPV-style with a high seat, it may be wise to point this out in case some passengers expect a conventional saloon car and may find it difficult to climb up into the vehicle.

Sometimes the person making the booking may be doing so on behalf of a disabled person and may not have fully considered their needs. For example, a restaurant may be booking a taxi or PHV/C on behalf of one of their customers who has finished their meal. A simple question such as "do you or any of the people who will be travelling in the taxi or cab have any particular access needs" should prompt a response and avoid problems when the vehicle arrives at the pick-up point.

Call takers should be careful to ask only for information about passenger's needs that is necessary to provide the best possible service for the customer. If sensitive personal information is needed, it should be explained why this is so

and how the information given will help the operator to meet the needs of the customer. A given medical condition affects nearly everyone in a different way, so the answer given is not likely to be useful (if someone uses a wheelchair and wishes to travel in it rather than transferring to a seat in the taxi, this is essential information: the medical reason why they use a wheelchair is irrelevant).

Where there is a choice, the caller should be asked whether they have a preference for a particular type of vehicle, for example, a 'Black Cab', saloon, or another type of vehicle (if available). Whenever possible the customer should be told the name and sex of the driver and the type and colour of vehicle that will be sent. The person booking the trip should take the caller's name, so that the driver can ask for them by that name.

Members of staff receiving a telephone booking/information call should be aware that it may be via Typetalk. This is a service that can be used by a profoundly deaf person, in which a telephone operator acts as an intermediary between the caller and the staff member taking the call. The telephone operator relays the receptionist's answers to the caller, which appear on their telephone as a written message.

An increasingly popular way for people who are deaf or hard of hearing to communicate is to use SMS text messaging, so operators should consider making this facility available.

Callers who have a learning disability, for example, may need extra time when making a booking. Staff should use plain and simple language and allow plenty of time for the caller to process information and ask questions.

Similarly, for callers who have a speech impairment, staff should give the customer all the time they need, and should avoid interrupting by suggesting responses.

7.5 Advance booking

As a matter of policy, disabled people should not be required to book further in advance than other customers – disabled people should be able to travel with the same spontaneity granted to everybody else. However, where certain types of vehicle in a fleet are limited, operators might advise disabled callers that early booking would be prudent. Where a vehicle has been booked with a particular access requirement (eg a saloon car, or wheelchair access) operators must ensure that it arrives and is not diverted to another booking.

8. Picking up passengers

A driver should not refuse to provide a service for a person on discovering, or because they already know, that he or she is disabled. If a driver refuses to carry a disabled passenger, who would otherwise be able to use his or her vehicle, having either stopped as a result of being hailed, or been approached at a rank, then it is likely that this would amount to unlawful discrimination.

However, this does not mean that a driver should carry a disabled passenger under all circumstances. If the disabled person is drunk and abusive, for example, a driver could refuse to carry them just as they would a non-disabled person in the same condition.

8.1 Assisting passengers

Drivers should offer to assist disabled people in and out of their vehicle, and to assist them with their luggage. For all passengers who might require assistance, the driver should be prepared to get out of the vehicle and, for example, hold the door open, stow luggage, provide an arm to hold onto and adjust the seat if necessary.

The driver should also be familiar with the operation of ramps and swivel seats that might be used as boarding aids. London-style cabs and many MPVs are equipped with a step that can be used to reduce the height of the step up from the kerbside. As with other devices designed to help passengers to get into and out of the vehicle, where such a step is available, the driver should know how to operate it.

When meeting a passenger who has advised the driver that they are blind or partially sighted, the driver should not

simply wait outside the house, pub or office etc, but should knock on the door, or enter the premises, to announce his or her arrival. It is important to give as much information to the passenger as is necessary (eg the type of vehicle that is being used, which way the door opens, which way the vehicle is facing etc).

The driver should provide guidance to the vehicle's door, place the passenger's hand on the open door, and indicate the position of the roof (having remembered, beforehand, to ask whether such assistance is needed). When guiding a blind or partially sighted person, it is important to avoid pushing or pulling them, and to keep them informed of what is ahead (eg steps, inclines, doorways, any other obstructions etc). These issues should be covered in any disability awareness training undertaken (see section 6). At the end of the journey the driver should offer to guide the customer to his or her final destination.

If, when booking the PHV/C or taxi, the customer has identified themselves as being deaf or hard of hearing, it is especially important that the driver goes to the door and ensures that they have attracted the attention of the customer.

8.2 Assisting passengers travelling in wheelchairs

The safe carriage of passengers using wheelchairs in vehicles is relevant to drivers of taxis, and also larger, MPV-type private hire vehicles which have been adapted to carry wheelchairs.

If a passenger is a wheelchair user who wants to travel in their wheelchair, the driver should deploy the ramp and assist the passenger to get into the vehicle. This should generally include pushing a manual wheelchair up the ramp. In some circumstances, particularly if the vehicle is parked where the ramp is deployed at a steep angle and/or the disabled person is particularly heavy, it may not be possible to push the

passenger up the ramp. In such circumstances the driver should firstly look for an alternative place to park where the ramp can be deployed at a gentler angle. If there is no better alternative the driver may eventually conclude that they cannot safely assist the passenger. In such circumstances the driver should consider whether there may be other drivers available in their company who could provide assistance (particularly if the driver has a medical condition which limits their ability to assist a wheelchair user), or if a more suitable vehicle, for example one fitted with a lift, might be available, and contact their control to arrange for another vehicle to attend. Drivers should be aware that leaving a wheelchair user at the roadside could put the disabled person at risk and should take all possible steps to avoid this outcome.

It is most important that drivers do not allow wheelchair users to travel sideways in their wheelchair. Drivers must ensure that the wheelchair is restrained in the wheelchair space correctly and an occupant restraint is offered to the wheelchair user. In order to do this effectively they must receive training in the use of all relevant belts and other restraint and locking mechanisms.

For wheelchair users who wish to transfer from a wheelchair to a seat in order to travel in the vehicle, the driver should ask what assistance the passenger requires, before touching either the passenger or the wheelchair. They should be prepared to fold up a manual wheelchair if necessary (under instructions from the wheelchair user) and stow it safely for the journey.

8.3 Carriage of mobility scooters

Mobility scooters (scooters) are becoming increasingly common and popular with people with mobility impairments. Such scooters are primarily designed for outdoor use by people who can walk short distances indoors. In the past they were larger and less manoeuvrable than wheelchairs and

could not be carried in taxis or PHV/Cs (or on other modes of public transport).

Recent developments in design have resulted in a growing number of smaller and more manoeuvrable scooters which can be accommodated in wheelchair accessible taxis and PHV/Cs. Drivers should be mindful, however, that scooters are generally less stable than wheelchairs and passengers should not remain seated in their scooter while travelling in the vehicle as to do so risks injury if the scooter tips. Drivers of vehicles using channel ramps should note that three-wheeled scooters cannot use these ramps.

If at all possible scooters should be carried in the boot of a vehicle or the luggage hold. If scooters are to be carried inside the main body of the vehicle (for example, in a London-style cab) they must be safely secured. This can sometimes be difficult as scooters are not always designed with appropriate anchorage points. A driver would be entitled to refuse to carry a scooter which cannot be secured as it would constitute a serious hazard in the event that they had to suddenly stop the vehicle.

Some scooters are designed to be quickly and easily disassembled to enable them to be carried in a vehicle. In the majority of cases such scooters can be carried in the boot of a conventional saloon car. Drivers should not be expected to disassemble and reassemble the scooter, and could refuse to lift any element of the scooter which weighs in excess of 20kg.

8.4 Seat belts

Once inside the vehicle, as with all passengers who might require assistance, the driver should offer to assist with the seat belt. They should not set off until the passenger is seated and secure. Particular care should be taken when assisting wheelchair users (see sub-section 8.2). Some disabled people are exempt from the need to wear a seat belt. These people will carry a certificate to confirm this.

9. During the journey

As with all passengers, drivers should always drive with a high standard of care and attention. With some disabled passengers in particular, sudden braking and acceleration should be avoided – not only might this cause alarm, but this might also be painful for people with certain types of condition (eg arthritis, back problems etc).

Drivers also need to be aware of the correct use of swivel seats, if fitted. When used, drivers should ensure that the seat is correctly locked in position when it is back inside the vehicle. As with any equipment or auxiliary aids provided, the driver should ensure that such a seat is well maintained and in good working order at all times.

9.1 Carrying assistance dogs

Both taxi and private hire operators should, of course, accept bookings made by, or on behalf of, a disabled person who is accompanied by a guide, hearing or other assistance dog. The dog should be allowed to remain with the passenger. Drivers and other staff should be aware that a number of different types of assistance dog might accompany a disabled passenger. These might include:

- **Guide dogs:** trained by the Guide Dogs for the Blind Association to guide a visually impaired person. These dogs wear a harness.
- **Hearing dogs:** trained to assist a deaf person. These dogs wear a jacket bearing the words 'Hearing Dogs for Deaf People'.
- **Other assistance dogs:** those trained by Dogs for the Disabled, Support Dogs or Canine Partners to assist a disabled person with a physical impairment. These dogs should wear a jacket inscribed with the name of the relevant charity.

In addition, the owners of all these dogs will carry an identity card with the name of the relevant charity. It is important to remember that assistance dogs are highly trained animals; they are trained to remain on the floor of the vehicle, and are unlikely to damage or dirty the vehicle in any way. Where the vehicle has a separate passenger cabin there is plenty of space for the dog. In saloon cars the dog will generally curl up in the footwell of the front passenger seat, next to its owner. Where there is an airbag fitted it is important to tell the owner so that they can adjust their seat to make sure that the dog can lie down, or move to the back seat where the dog will once again curl up on the floor.

Guidance from the Shariat Council confirms that trained assistance dogs may accompany disabled people in taxis and private hire vehicles managed or driven by Muslims. The Council's guidance helps to clarify religious law and prevent any possible conflict with secular law. When a blind or partially-sighted person, for example, is accompanied by a guide dog, then such a dog becomes that person's eyes and therefore should not be stopped from entering.

If a driver has a medical condition, such as severe asthma, which is aggravated by contact with dogs, or if he or she is allergic, or has an acute phobia of dogs, then it may be possible for him or her to qualify for an exemption. These are granted by the Licensing Authority. When considering such an application, the Licensing Authority would need to verify the driver's medical condition, and may require the driver to be assessed by an appropriate healthcare professional. The type of vehicle driven (for example, whether or not it has a fixed partition segregating the driver from the passenger compartment) may also be considered.

Successful applicants for an exemption certificate will be issued with a Notice of Exemption. This must be exhibited in the vehicle, either in the windscreen or in a prominent position on the dashboard. If the Licensing Authority refuses

to issue an exemption certificate, then the applicant has a right of appeal to the local Magistrates Court. This right must be exercised within 28 days from the date of the Licensing Authority's refusal.

The failure of a driver to admit an assistance dog makes him or her liable to a fine of up to £1,000.

9.2 Communication during the journey

Visual material (including maps) should be available in vehicles, in order to help the driver to communicate with a passenger who is deaf or hard of hearing. Drivers should also be prepared to write down information, and so it is important to have a pen and paper available at all times.

If the driver has to divert from their normal route because of congestion or a road closure, the driver should be aware that this may be worrying for some passengers, particularly those with learning difficulties or mental health problems, who may become confused. Drivers should explain what they are doing and why.

10. Other issues

10.1 Charging policies

A taxi or PHV/C operator should not charge a disabled person more than anyone else would be charged for the same journey. Neither should any conditions be imposed which would not be imposed on others, such as insisting that the disabled passenger pays in advance.

Regardless of whether a wheelchair user travels in the vehicle sitting in the wheelchair, or transfers to a seat and stows the wheelchair in the vehicle's boot, there should be no charge for the carriage of the wheelchair.

No extra charge should be made for carrying an assistance dog.

It is common practice for taxi drivers to start the meter as soon as they arrive at the point of origin for a trip. Although this might apply to all journeys, and to both disabled and non-disabled passengers, such a practice disadvantages people who take longer to get into a vehicle and be safely secured. The disabled passenger should not be charged for this extra time; instead the meter should only be started when the journey commences. In practice, a taxi driver is rarely deployed for 100 per cent of the working day, so there should be no reason for charging a disabled passenger extra for taking longer to get into the vehicle. However this does not mean that a disabled person who asks the driver to wait while they attend to other matters should not be charged for waiting time in the same way as any other passenger.

Taxi drivers should be aware that passengers might not be able to read the vehicle's meter, so their standard practice should be to tell all passengers what the meter reading is at the end of the journey.

When giving change for a fare some passengers may find it helpful if the driver counts out coins and notes into the passenger's hand. This will help anyone who has difficulty in using cash, including some blind and partially-sighted people, and some people with learning disabilities.

10.2 Assistance to and from the taxi

One aspect of service that is sometimes difficult is the extent to which drivers should be expected to assist disabled customers to and from their home or other point of origin. As a general principle drivers should assist passengers to the door of their destination if requested, for example guiding a blind passenger as described in sub-section 8.1 above. There may, however, be situations where doing so might risk the health and safety of the passenger, driver or the security of the vehicle. In these circumstances, it will be for the driver to decide whether it is reasonable to continue. In the event that a driver decides that they cannot safely assist someone to the door they should explain their reasons to the disabled passenger and look for alternative ways to assist, such as giving a blind passenger a description of where the taxi is parked and the route to the passenger's destination. They should always ensure that a disabled passenger is left in a safe place, for example on the pavement, not in the road.

Taxi insurances tend to cover vehicles rather than people, so may not include cover for personal injury to a driver as a result of an attack or a robbery. Operators who employ drivers will have employers liability insurance to cover this risk. Self-employed drivers should consider taking out their own insurance.

In addition, some Licensing Authorities insist on Public Liability Insurance as a licensing condition and it is recommended that this approach is more universally adopted.

10.3 Damage to mobility equipment

As with the goods of other passengers, drivers are likely to be responsible for any damage to mobility equipment which occurs during a journey. In the event that the damage is the result of an accident which is the fault of another driver then it should be possible to claim on the insurance of the other driver. In all circumstances, however, careful stowage of mobility equipment is recommended.

The risk of damage to mobility equipment should not be offered as a justification for not providing a service for a wheelchair user who wishes to transfer from his or her wheelchair. Operators who are concerned about such occurrences should take out appropriate insurance.

10.4 The role of Licensing Authorities

Although Licensing Authorities are not service providers under the DDA every function of a public authority which is not already covered by the DDA is covered by the public authority function provisions – which are effectively the same as the service provider provisions. In addition they have been covered by the Public Sector Duty requirements of the legislation. This requires them to take steps to promote disability equality. The Public Sector Duty is addressed in a separate set of guidance material published by the DRC which is available from: www.dotheduty.org. In implementing this duty Licensing Authorities should consider steps such as:

- promoting the availability of a suitable number of wheelchair accessible taxis within their area
- requiring holders of hackney licenses to undergo disability equality training, and arranging for the provision of such training
- reviewing the location of taxi ranks on the public highway and considering whether their location is helpful to

disabled people (a particular concern would be if they are positioned so that customers, including disabled people, have to cross a busy road in order to get to a taxi from an important facility such as a station)

- reviewing the enforcement of parking provisions where they have been decriminalised, so that taxis and PHV/Cs are not penalised when stopping or waiting for disabled passengers who can take longer to get to and enter vehicles; and
- promoting disability equality in their licensing functions.

10.5 Customer feedback

In order to achieve and maintain good levels of service, a taxi or PHV/C company would be well-advised to set up an effective system for obtaining, monitoring and acting on customer feedback. A complaints procedure, for example, which encourages customers to explain what the problem was and how things could have been handled better, and which ensures a prompt response to every complaint, is likely to provide a useful basis for future planning. In addition, it should reassure customers that the operator is genuinely seeking their input on ways to improve its services.

However, the process will only really succeed if customers find the procedure accessible and easy to use. Operators should be aware that some customers may require different formats, for example, if the complaint is usually made via a print form, it may be necessary to make it available on request electronically.

Disclaimer

Every effort has been made to make sure that the information in this booklet is correct. However, it is not intended to be an authoritative statement of the law, and the DRC cannot accept any legal responsibility or liability. In addition, the focus of this booklet is on what would be the most effective practice for disabled customers, and, as a result, what is or is not compliance with the law has rarely been set out. This means that where something is not referred to as 'discrimination' a failure to follow the particular course of action advocated may still amount to discrimination. Equally, a particular course of action advocated could be above and beyond the strict confines of the law. Ultimately it will be for the courts to decide where the exact boundaries lie. The relevant Codes of Practice (see Appendix 1) provide further guidance on the workings of the law.

Appendix 1: Legislative background

There are two Parts of the Disability Discrimination Act (DDA) which have a particular relevance to transport: Part 3, which deals with access to services and premises, and Part 5, which allows access standards to be set for certain types of vehicle.

Part 3: Access to services and premises

This section sets out the bare bones of the law. For further information on these duties, their scope and how they apply, transport providers should refer to the **Code of Practice on Rights of Access to Services and Premises** (known as the Part 3 Code) for issues relating to transport infrastructure services, and to the **Code of Practice on Provision and Use of Transport Vehicles** (supplementary to the Part 3 Code) in respect of duties relating specifically to the provision and use of transport vehicles.

Current situation

All transport providers have duties under Part 3 in respect of any transport infrastructure they provide to the public. In the case of taxi and PHV/C operators and drivers this means things like information services and booking procedures.

As of 4 December 2006, providers of certain types of vehicle (including taxis and PHV/Cs) have similar duties in respect of the provision and use of those vehicles.

These duties are briefly set out below. For the most part, the duties relating to the provision and use of vehicles will be the same as those relating to the provision of infrastructure services. In some cases, however, the duties relating to

provision and use of vehicles are more limited, and where this is the case, it is also explained below.

What the law says

Less favourable treatment

It is unlawful for a transport provider to discriminate against a disabled person:

- in **refusing** to provide a service offered to members of the public
- in the **standard** or **manner** of service; or
- in the **terms** on which the service is offered to the disabled person.

Reasonable adjustments

It is also unlawful for a transport provider to fail to make **reasonable adjustments** to a service they provide, if that failure makes it impossible or unreasonably difficult for a disabled person to access that service.

This duty to make reasonable adjustments is considered to be the cornerstone of the DDA. It requires the transport provider to plan ahead, anticipating where the barriers to disabled people are in accessing a particular service, and what adjustments could reasonably be made to prevent or remove such barriers.

Reasonable adjustments are divided into three broad categories. The first two set out below apply both to providers of transport infrastructure and to providers of transport vehicles (including taxis and PHV/Cs):

- **Policies, practices and procedures** – taxi and PHV/C operators have a duty to take reasonable steps to amend any policies, practices or procedures which make it impossible or unreasonably difficult for disabled people to use their services.

- **Auxiliary aids or services** – taxi and PHV/C operators have a duty to take reasonable steps to provide auxiliary aids or services where these would enable or facilitate disabled people's access to a service.

The third category of reasonable adjustment applies in its entirety to providers of infrastructure services **only**:

- **Physical features** – providers of transport infrastructure services have a duty to overcome a physical barrier which makes it impossible or unreasonably difficult for disabled people to access a service by: removing it, altering it, providing a reasonable means of avoiding it or providing a reasonable alternative method of making the service available.

As far as taxi and PHV/C operators are concerned, they are under no obligation to alter the vehicles they provide in order to comply with this part of the DDA. However, they will have duties to consider the full range of adjustments to any buildings or venues which they provide as part of their services (for example, a booking office).

Part 5: Access standards and the carriage of assistance dogs

Part 5 of the DDA allows the Secretary of State to set access standards for buses and coaches, rail vehicles and taxis. These technical standards deal specifically with aspects of design or operation of the vehicles concerned. The requirements under these standards are different from the duties on transport providers under Part 3. While regulations covering these have already been set for buses, coaches and rail vehicles, there are currently no such regulations applying to taxis.

However, it is unlawful under Part 5 for licensed taxis to refuse to carry, or to make any extra charge for, an assistance dog accompanying a disabled passenger, or not to allow the dog to remain with the passenger. Similar provisions apply to

the drivers of PHV/Cs. A driver who fails to comply with any of these duties may be guilty of a criminal offence and subject to a fine and/or suspension of their licence. If a driver has a medical condition, such as severe asthma, which is aggravated by contact with dogs, they may be able to obtain a medical exemption from carrying them from their local authority (see sub-section 9.1).

For further information on any of these issues, please contact the Department for Transport (020 7944 6100 or email aeu@dft.gsi.gov.uk). Further information can be found on the Department's web site at:
www.dft.gov.uk/transportforyou/access/taxis.

Appendix 2: Further reading

Code of Practice: Rights of Access: Services and Premises

Copies of this publication can be downloaded from the Disability Rights Commission website: www.gov.uk/rights-disabled-person/overview or can be ordered in hard copy and alternative formats from The Stationery Office.

Telephone: 0870 600 5522

Fax: 0870 600 5533

Email: customer.services@tso.co.uk

Textphone: 0870 240 3701

Code of Practice: Provision and Use of Transport Vehicles

Copies of this publication can be downloaded from the Disability Rights Commission website: www.gov.uk/rights-disabled-person/overview or can be ordered in hard copy and alternative formats from The Stationery Office.

Telephone: 0870 600 5522

Fax: 0870 600 5533

Email: customer.services@tso.co.uk

Textphone: 0870 240 3701

Access to taxis, private hire vehicles and private hire cars for guide dog owners, Guide Dogs. Available from:

www.guidedogs.org.uk

Advice for Taxi Drivers – Meeting the Needs of Disabled Passengers, DPTAC, 2000. Available from:

www.gov.uk/government/organisations/disabled-persons-transport-advisory-committee.

Carriage of Guide, Hearing and Other Assistance Dogs in Taxis – Advice for Drivers, DfT, 2001. Available from:

www.dft.gov.uk.

Carriage of Guide, Hearing and Other Assistance Dogs in Private Hire Vehicles – Advice for Operators and Drivers, DfT, 2004. Available from: www.dft.gov.uk.

Making Private Hire Services Available for Disabled People, DPTAC, 2003. Available from: www.gov.uk/government/organisations/disabled-persons-transport-advisory-committee.

‘This Time Every Time’ a disability awareness training resource for licensing authorities and taxi drivers. Video/DVD available from:

GoSkills

Concorde House

Trinity Park

Solihull

West Midlands B37 7UQ

Telephone: 0121 635 5520

Fax: 0121 635 5521

Website: www.goskills.org


The Disability Rights Commission (DRC) was created by the Disability Rights Commission Act 1999. The DRC's mission is to achieve a society in which all disabled people can participate fully as equal citizens. It has the following duties:

- to work towards the elimination of discrimination against disabled people
- to promote the equalisation of opportunities for disabled people
- to encourage good practice in the treatment of disabled people; and
- to keep under review the workings of the Disability Discrimination Act (DDA).

For information and advice from the Disability Rights Commission visit the DRC website at: www.drc-gb.org


You can also contact the DRC Helpline between 08:00 and 20:00, Monday to Friday.

 **Telephone** 08457 622 633

 **Textphone** 08457 622 644

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You can email the DRC Helpline from our website:
www.drc-gb.org



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