

# Transporting a Wheelchair User

## Introduction

Preston City Council licenses a 100% wheelchair accessible Hackney Carriage fleet so wheelchair users can reasonably access a licensed Hackney Carriage conveniently, where a bus service is not a realistic option. There are a number of specially adapted Private Hire vehicles that are also wheelchair accessible.

The Council has adopted Section 167 of the Equality Act 2010 to publish and maintain a list of designated hackney carriage and private hire vehicles that are wheelchair accessible.

Drivers of Hackney Carriage and Private Hire vehicles included on the designated list will commit an offence if they refuse to carry wheelchair passengers, do not provide assistance to those passengers and charge them extra for doing so, unless exempt from doing so.

This guidance note provides information on what factors must be considered when transporting wheelchair users and other vulnerable persons safely and securely.

## Good Customer Care

If your vehicle is not on the designated list or you have an Exemption Notice that prevents you transporting a wheelchair passenger you:

- must explain to the customer why you cannot take the fare;
- should assist the customer in finding a vehicle that can transport them, e.g. take them to the next vehicle on a taxi rank, or provide them with your operator's telephone number.

If you are driving a designated vehicle, ask the customer if they need any assistance getting into and out of your vehicle and help them with their individual needs. Ensure you know how to operate any equipment provided in your vehicle including ramps and all securing devices and keep this equipment in a good state of repair.

## Equality Act 2010

Sections 165 to 167 of the Equality Act 2010 were commenced on 6<sup>th</sup> April 2017. This allows the Council to make a list of wheelchair accessible vehicles.

Please refer to the full guidance available at:

<https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles>

## Driver Responsibilities

The driver must not make any additional charge for carrying a passenger with a wheelchair. Please see Section 1.30 of the Government guidance which states that -

“a meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves, or secures their wheelchair within the passenger compartment.”

Every driver of designated wheelchair accessible Hackney Carriage and Private Hire Vehicles must:

- Carry the passenger whilst in the wheelchair.
- If the passenger chooses to sit in a passenger seat then you must secure the wheelchair properly and give the passenger mobility assistance as is reasonably required.

“Mobility Assistance” is defined as:

- To enable the passenger to get into or out of the vehicle.
- If the passenger wishes to remain in the wheelchair, enable the passenger to get into and out of the vehicle whilst in the wheelchair.
- To load the passengers luggage into or out of the vehicle.
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

It is a **criminal offence** for the driver (unless exempt from these duties on medical grounds) of a Hackney Carriage or Private Hire Vehicle to fail to comply with the duties listed above.

### Transporting a Wheelchair User

You must ensure you know how to secure and transport a wheelchair user safely in your vehicle – it is your responsibility to ensure you comply with the law.

You must assess the risk of injury before accepting a fare and you will need to ask yourself the following questions:

- Is my vehicle designed to transport this type of wheelchair?  
(*Please have regard to your vehicle manufacturer's specifications*).
- Are there abnormal weather conditions that could compromise safe loading and unloading?  
(*Snow, ice*).
- 
- Are there any uneven surfaces that could compromise safe loading?  
(*Slopes, cobbles*).
- Are there any obstacles and other restrictions that may prevent safety loading?
- Do I need to adjust my driving style?  
(*Stopping distances, cornering and braking distances*).
- If you are asked to carry an electric wheelchair, then you must consider the additional weight and whether specific anchorage points are required.

In the majority of cases you will carry out this risk assessment automatically during your initial discussions with the passenger.

### Passenger Care

You should behave in a civil and orderly manner for all passengers and shall take all reasonable precautions to ensure the safety of your passengers.

In order to meet your legal obligations in respect to wheelchair users, you should aim to comply with the following guidance:

- A wheelchair must be positioned in the designated space allotted by the vehicle manufacturer.
- A wheelchair must face to the front or to the rear and it **MUST** be secure. It **MUST NOT** be secured facing sideways or at an angle.
- A wheelchair must be secured as specified and using appropriate equipment.
- An electric wheelchair may need to have the power turned off and the gears (or motors) disengaged to facilitate manual turning in the confined space within the vehicle. The gears or motors should be engaged and the power must remain off when the wheelchair is in position.
- A manual wheelchair must have the brakes applied.
- The driver must offer assistance to load the wheelchair.
- All wheelchair ramps, straps, etc. supplied by the manufacturer must be carried on the vehicle and be in good working order.  
(*Please note: when purchasing a second hand vehicle, check to establish that all the appropriate equipment is included as part of the sale*).

- If you are not carrying all the appropriate straps and fittings to allow safe passage, your vehicle will be served with a Stop Notice which will remain in place until they are provided. This will include vehicles with Medically Exempt drivers.

## **Medical Exemption**

The requirements of Section 165 of the Equality Act 2010 do not apply to drivers who have a valid medical exemption certificate and are displaying valid exemption notices.

If you are exempt, then you will have been issued with two exemption notices. These must be displayed as follows:

- One in the near side window for approaching passengers and wheelchair users to see.
- One in the rear window of your vehicle so any driver behind you on the rank will be aware of your exemption.

If you have a medical condition which affects your ability to carry wheelchairs, then you must apply for a Medical Exemption. Full details can be found on our website:

[www.preston.gov.uk/businesses/licensing/taxilicenses/taxi-policy-and-practice/taxi-accessibility/](http://www.preston.gov.uk/businesses/licensing/taxilicenses/taxi-policy-and-practice/taxi-accessibility/)

## **Mobility Scooters**

It is impossible to secure a passenger on a mobility scooter. These scooters are not provided with securing points for the reason that they are not designed for carriage in vehicles. If a scooter user requires carriage, the passenger must travel in a vehicle seat and the scooter must be secured so as to prevent injury to all vehicle occupants. Carriage of the scooter in the boot or behind the rear seats may be a possibility if it is not too heavy. Utilising the wheelchair straps to secure the scooter is another option.

## **Conclusion**

In conclusion, Hackney Carriages and specially adapted Private Hire vehicles form a key part of the public transport system designed to transport people with or without disabilities. These vehicles can be the preferred method of transport for many wheelchair users as they can be taken direct to their home.

It is imperative that all passengers, including wheelchair users, are treated with respect and dignity by all licensed drivers and be transported in a safe and secure manner for the duration of the journey. On occasions this will be difficult, nevertheless, a professional driver is expected to act in a calm and controlled manner, irrespective of the demanding behaviour of some passengers.

Drivers who do not comply with the Equality Act 2010 will be investigated and may face prosecution.

It is not reasonable to expect that all vehicles will be able to accommodate every non-standard wheelchair and it is acknowledged that for some wheelchairs, specialised transportation may be required. However, all designated vehicles should be able to accommodate a "reference wheelchair" as defined in Schedule 1 of the Public Vehicle Accessibility regulations 2000.

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