

Rights and Duties

Train the Trainer
Bus and Coach Modules



Rights and Duties

This module is for **bus and coach directors, managers and staff**. It can be used alone or as part of a broader package of training.

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Suggested timings are given below. Depending on delivery and delegate numbers, the content in this module could be delivered in 125–150 minutes.

Learning Objectives



Understanding rights and duties affecting
bus and coach travel

Guidance to Accompany Slides

Legal and Regulatory Framework

Suggested timings: 5 minutes

Purpose: To summarise the legal and regulatory framework for bus and coach operators under domestic and international law.

Explain that bus and coach services are covered by both domestic and international law.

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Explain that this slide lists all the relevant laws and regulations and that you will focus on several of these in more detail later in the session.

Public Service Vehicle Accessibility Regulations 2000 on Rights of Bus and Coach Passengers

Suggested timings: 10 minutes

Purpose: To explain the requirements for **accessibility of vehicles**.

Public Service Vehicles Accessibility Regulations 2000 (SI 2000/1970) (PSVAR), which came into force in 2000, stated that all vehicles carrying over 22 passengers and running on local and scheduled routes had to be accessible by 1 January 2017 and all coaches by 1 January 2020.

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The PSVAR requirements do not apply to:

- Off-road vehicles
- Vehicles used in accordance with Section 19 of the Transport Act 1985 (i.e. small buses used by community-based organisations on a not-for-profit basis for restricted groups of passengers)
- Vehicles used for secure transport of persons (including prisoners)
- Vehicles specifically designed for the carriage of 'injured or sick persons'
- Vehicles used by or for the purposes of a Minister of the Crown or Government department or in the service of a visiting force or headquarters.
- Vehicles registered and first used on a road before 1980 which are not used to provide a local service or a scheduled service for more than 20 days in any calendar year

The exact requirements are set out in the Regulations. These include the dimensions of the wheelchair space to be provided in the vehicle. The minimum size of the space specified in the Regulations is:

- 1,300 mm measured in the longitudinal plane of the vehicle
- 750 mm measured in the transverse plane of the vehicle
- 1,500 mm measured vertically from any part of the floor of the wheelchair space

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Any gangway between a wheelchair space and an entrance or exit intended to provide access for a wheelchair user must not be less than 750 mm wide at any point.
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This size of space may not always accommodate some of the larger mobility scooters in use. Some smaller models of mobility scooter are accepted on some public transport vehicles, but owners must contact the local transport operator to check.
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A mobility scooter may not have the same capacity as a wheelchair to manoeuvre into a wheelchair space.
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It is a legal duty to carry a reference wheelchair. Many scooters are larger and therefore unable to be carried, however the Confederation of Passenger Transport maintain a code of practice for operators that sign up to them to identify which scooters can be carried.

United Nations Economic Commission for Europe (UNECE) Regulation 107

Suggested timings: 5 minutes

Purpose: To **explain requirements** relating to construction of certain vehicles.

These are uniform provisions concerning the approval of category M2 or M3 vehicles with regard to their general construction (2015/922).

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M2 vehicles are designed and constructed for the carriage of passengers and have more than eight seats, in addition to the driver's seat, and a maximum authorised mass **not** exceeding 5 tonnes.

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M3 vehicles are designed and constructed for the carriage of passengers and have more than eight seats, in addition to the driver's seat, and a maximum authorised mass exceeding 5 tonnes.

EU Regulation 181/2011 on Rights of Bus and Coach Passengers

Suggested timings: 10 minutes

Purpose: To **explain the key duties of operators** relating to passenger services, including access and assistance.

EU Regulation 181/2011/EU on the rights of bus and coach passengers came into force in the EU in 2013. However, the application of some provisions was delayed in the UK. Chapter III relates to disabled passengers and persons with reduced mobility (PRM). Article 16 provides a requirement for drivers and other operator staff to complete disability-awareness training. This requirement has been in force in the UK since 2018.

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In general, the Regulation provides that:

- Carriers and terminal managing bodies shall establish, or have in place, non-discriminatory access conditions for the transport of disabled persons and PRM (Article 11)
- Member States must designate bus and coach terminals where assistance for disabled persons and PRM shall be provided (in the UK this is London Victoria and Birmingham coach stations only) (Article 12)

- Carriers and terminal managing bodies must, within their respective areas of competence, at terminals designated by Member States and on board buses and coaches provide assistance free of charge to disabled persons and PRM (including but not limited to assistance in boarding, handling luggage and providing information about the journey in accessible formats) (Article 13 and Annex I)
- Article 14 provides for the conditions under which assistance should be provided

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In 2014 the Government reviewed the exemption under Article 16(2) to assess whether drivers were receiving adequate disability training. The responses it published in January 2015 showed that overall the bus industry thought it was doing enough and disabled people thought that it was not.

Human Rights Act 1998

Suggested timings: 5 minutes

Purpose: To **explain key provisions** in the Human Rights Act 1998 that are relevant to disability and travel.

The Human Rights Act 1998 requires public bodies to act in accordance with the rights set out in the European Convention on Human Rights. As a transport provider, you should provide services in a manner that is compatible with the requirements of the Human Rights Act 1998.

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The rights provided by the Convention include a qualified right of protection from discrimination, which is set out in Article 14.

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Article 14 states that the enjoyment of the rights and freedoms set out in the European Convention on Human Rights shall be secured without 'discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'. This means that the protection provided by Article 14 only applies to matters that are covered within the Convention. The European Court of Human Rights has determined that 'other status' includes the grounds of 'disability'.

Consumer Rights Act 2015

Suggested timings: 5 minutes

Purpose: To **explain key provisions** in the Consumer Rights Act 2015 that are relevant to disability and travel.

The Consumer Rights Act 2015 provides to passengers a route to redress, and potentially a full or partial refund, should an operator fail to provide a service with reasonable care and skill and/or where information provided to a passenger before purchasing a ticket, whether orally or in writing (and relied upon by the passenger in making the purchase) is not adhered to.

Equality Act 2010

Suggested timings: 10–15 minutes

Purpose: To **explain coverage of the Equality Act 2010.**

The Equality Act 2010 covers England, Scotland and Wales. There are similar provisions in separate legislation active in Northern Ireland.

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This section of the training is to help delegates understand what the law says, and how it might apply to their organisation.

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Part 3 of the Equality Act 2010 makes it unlawful for service providers or public authorities to discriminate against a service user on the basis of a protected characteristic. This part applies whether the service is being provided by the public sector or privately, and whether that service is for payment or otherwise.

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Service providers have a legal obligation under Section 29 of the Equality Act 2010 not to discriminate against people on the basis of a protected characteristic. This includes by refusing to provide them with a service, by terminating a service provided to them, by not providing them with the service in the manner or on the terms that are usually offered to the public, or subjecting them to any other detriment concerning the service provided.

For people who meet the definition of disability within the Equality Act 2010, there is an additional duty on service providers to make 'reasonable adjustments'. This applies where a provision, criterion or practice puts a person with a disability at a substantial disadvantage compared with a person who is not disabled.

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It also applies where a physical feature puts a disabled person at a substantial disadvantage in comparison with a person who is not disabled.

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Finally, it applies where a disabled person would be at a substantial disadvantage in comparison with a person who is not disabled if an auxiliary aid is not provided, to take reasonable steps to provide the auxiliary aid.

Equality Act 2010

Protected Characteristics

Suggested timings: 5 minutes

Purpose: To **set the disability provisions within the Equality Act 2010** in the context of all nine protected characteristics.

The Equality Act 2010 identifies nine protected characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In the next part of the session, we will consider in detail the definition of who is disabled in the Equality Act 2010.

Equality Act 2010

Definition of Disability

Suggested timings: 10–15 minutes

Purpose: To **ensure delegates understand the legal definition of disability** and how it may differ from their own perceptions of who is disabled and what disability is.

Explain that the first quote is all that the Equality Act 2010 includes to define who is disabled for the purposes of the Equality Act 2010, but that there is substantial guidance and case law about its interpretation. The train the trainer note in the core module **What is Disability?** also provides further context.

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Guidance explains that ‘substantial’ means ‘more than minor or trivial’ and that ‘long-term’ means that it has lasted or is likely to last more than 12 months. You will find that the presentation and accompanying notes on **What is Disability?** give plenty of further detail to enable you to explore the breadth of the definition of disability and the numbers of people covered — in Britain, around 1 in 5 of the population is estimated to have the protection of the Equality Act 2010 from disability discrimination.

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The Equality Act 2010 identifies nine protected characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Equality Act 2010

Suggested timings: 5 minutes

Purpose: To **summarise the key duties** in the Equality Act 2010. Bus, coach and station operators must avoid discriminating against people who meet the definition of disability in the Equality Act 2010.

Examples of discrimination include:

- Refusing or terminating a service on the grounds of a passenger's disability

Ways to help avoid discrimination include:

- Ensuring that no policies, practices or procedures disadvantage disabled people, unless this is a proportionate way of reaching a legitimate aim (for example, keeping employees and passengers safe)
- Providing 'reasonable adjustments' to enable access to services for disabled people facing a substantial barrier

Reasonable Adjustments

Suggested timings: 5 minutes

Purpose: To **explain the key concept** of reasonable adjustments in the Equality Act.

Encourage delegates to discuss each question in turn, referencing their own experience.

What changes are 'reasonable'?

Suggested timings: 10 minutes

Purpose: To **explain and enable discussion** on the key concept of reasonable adjustments in the Equality Act 2010.

You may like to say: 'The test of what is a reasonable adjustment is by its nature a subjective one and whether an adjustment is reasonable depends on all the circumstances including... [read the text on the slide].'

Reasonable adjustments under Part 3 of the Equality Act 2010 are owed to the public at large. This means that any organisation that provides services to the public has to consider and take action to remove disability-related barriers in anticipation of use their by disabled people.

Service providers also have to make any further adjustments that are reasonable for individuals who would otherwise face a substantial disability-related barrier.

Open a discussion on compliance with the provisions of the Equality Act 2010. Ask participants to think about particular areas of legal risk. What changes could or should be made?

Remind delegates that the onus is on the operator to ensure that they comply with the Equality Act 2010. Failing to do so could make them liable to civil court proceedings, with financial and reputational consequences.

Paulley v FirstGroup PLC

Suggested timings: 10 minutes

Purpose: To **explain the landmark Paulley case** clarifying priority use of wheelchair spaces from a legal perspective.

You may wish to use this video to explain why disabled people feel that this is important:
Defeating disability discrimination.

Judge's Commentary

Suggested timings: 5 minutes

Purpose: This slide **summarises the findings** in the Paulley case.

Grant v Arriva London North Ltd

Suggested timings: 5 minutes

Purpose: This slide **summarises the legal challenge** against Arriva in relation to operators' and drivers' responsibilities to enable access to transport services.

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Arriva's Undertakings

Suggested timings: 10 minutes

Purpose: This slide **summarises the undertakings Arriva made** as the result of a legally binding agreement with the Equality and Human Rights Commission.

These are useful steps for any bus or coach operator in considering actions to improve legal compliance and access for disabled passengers. With strategic and operational managers, you could encourage discussion of priority areas.

Equality and Human Rights Commission

Suggested timings: 5 minutes

Purpose: This slide is a **quote from the then Chair of the Equality and Human Rights Commission**. It was made to highlight the launch of the Commission's call for possible transport legal cases to be brought to the Commission in September 2019.

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REAL

Suggested timings: 5–20 minutes

Purpose: Depending on the time available, use this slide to **summarise key messages**, and remind people about the Respect, Empathise, Ask, Listen theme of the training.

You can use the train the trainer notes on REAL here and/or in other sections of the training.



REAL

Respect

REAL

Empathise

REAL

Ask

REAL

Listen

REAL Passenger **REAL** Person



Department
for Transport