

Rights and Duties



Legal and Regulatory Framework

Public Service Vehicles Accessibility Regulations
2000 (SI 2000/1970)

UNECE Regulation 107

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

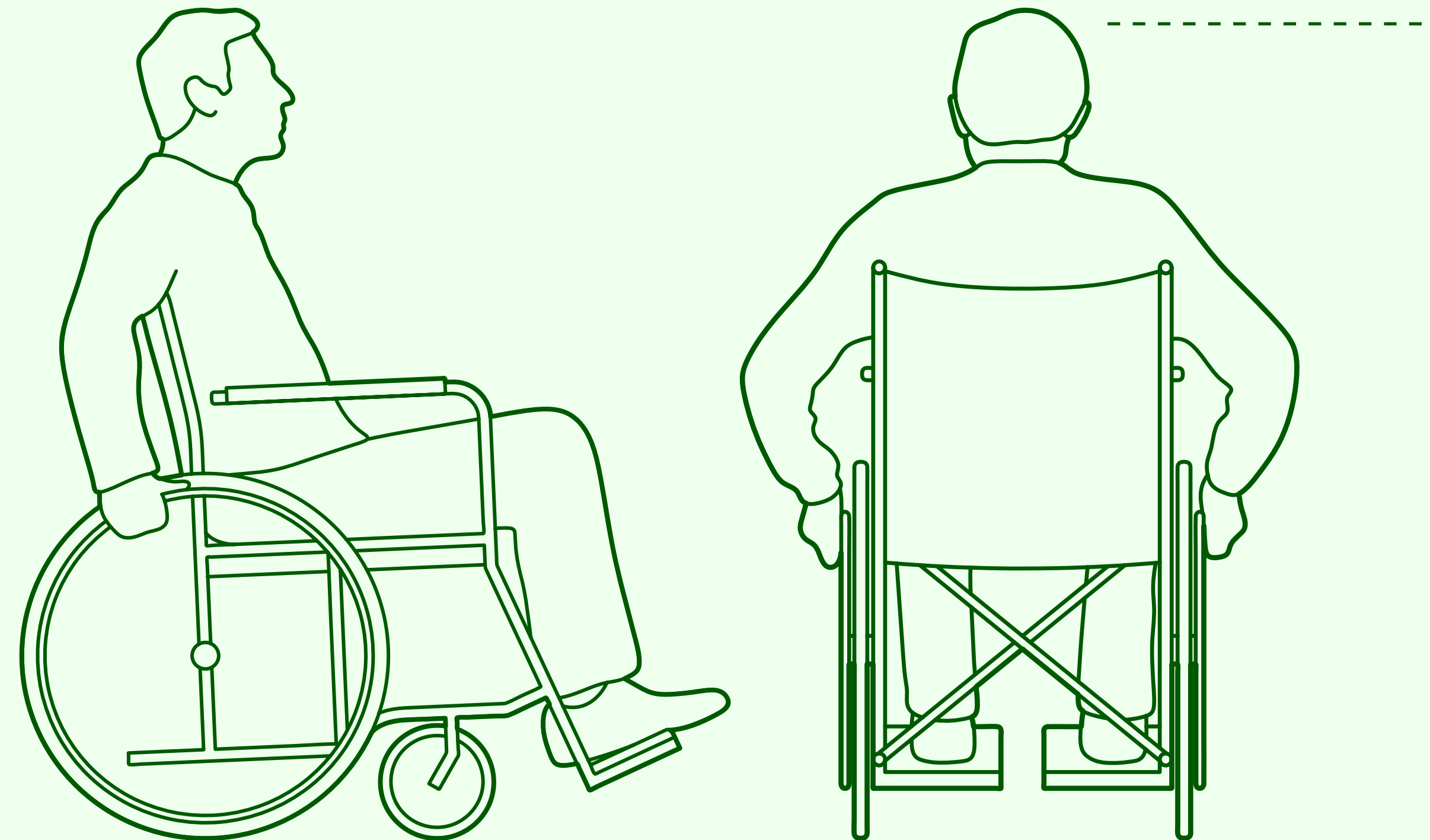
Human Rights Act 1998

Consumer Rights Act 2015

Equality Act 2010

BSI standards on accessibility

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



United Nations Economic Commission for Europe (UNECE) Regulation 107

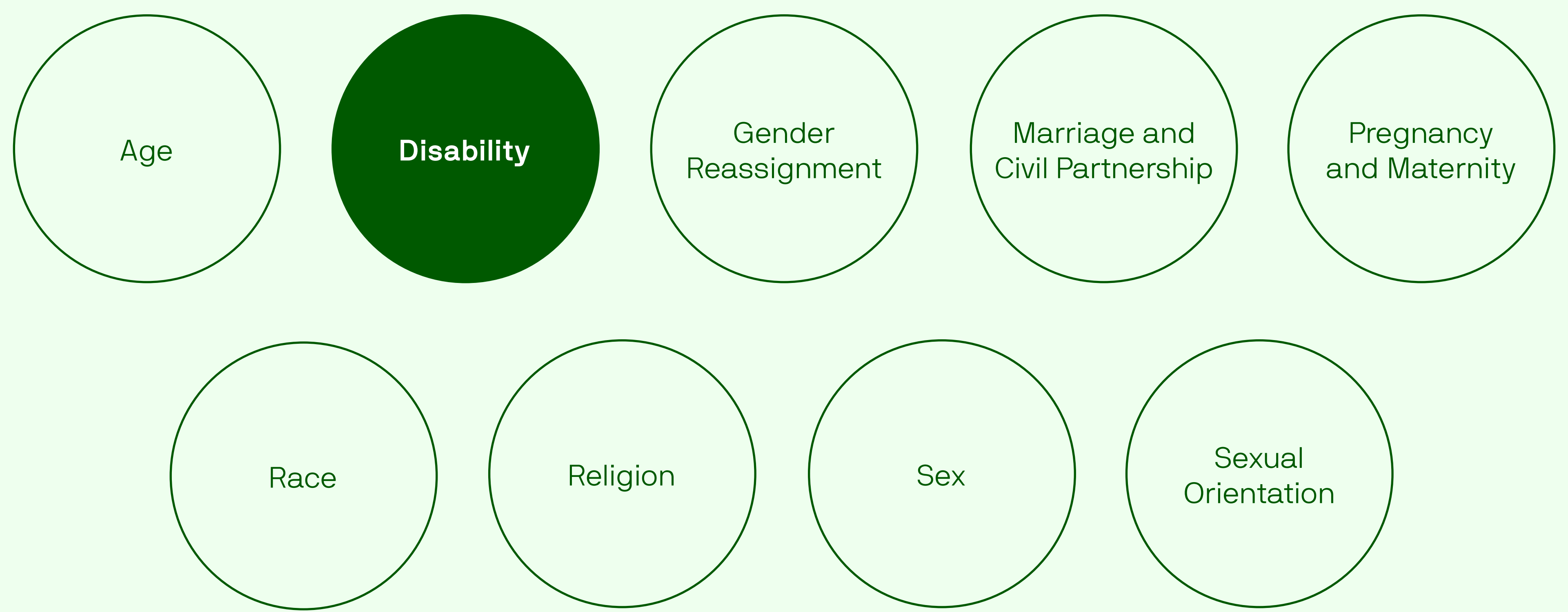
EU Regulation 181/2011 on Rights of Bus and Coach Passengers

Human Rights Act 1998

Consumer Rights Act 2015

Equality Act 2010

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Equality Act 2010 - Definition of Disability

Anyone with ‘a physical or mental impairment that has a substantial and long-term negative effect on their ability to do normal daily activities’.

.....
‘Substantial’ means more than minor or trivial.

.....
‘Long-term’ means it has lasted or is likely to last more than 12 months. Terminal conditions are automatically covered, as are many fluctuating conditions, where symptoms may vary but are likely to recur.

Equality Act 2010

Bus and coach operators must:

Not refuse or terminate a service on grounds of a protected characteristic.

.....

Ensure provisions, criteria and practices do not disadvantage anyone on the grounds of a protected characteristic, unless justifiable.

.....

Provide ‘reasonable adjustments’ to enable access to services for disabled people facing a substantial barrier.

Reasonable Adjustments

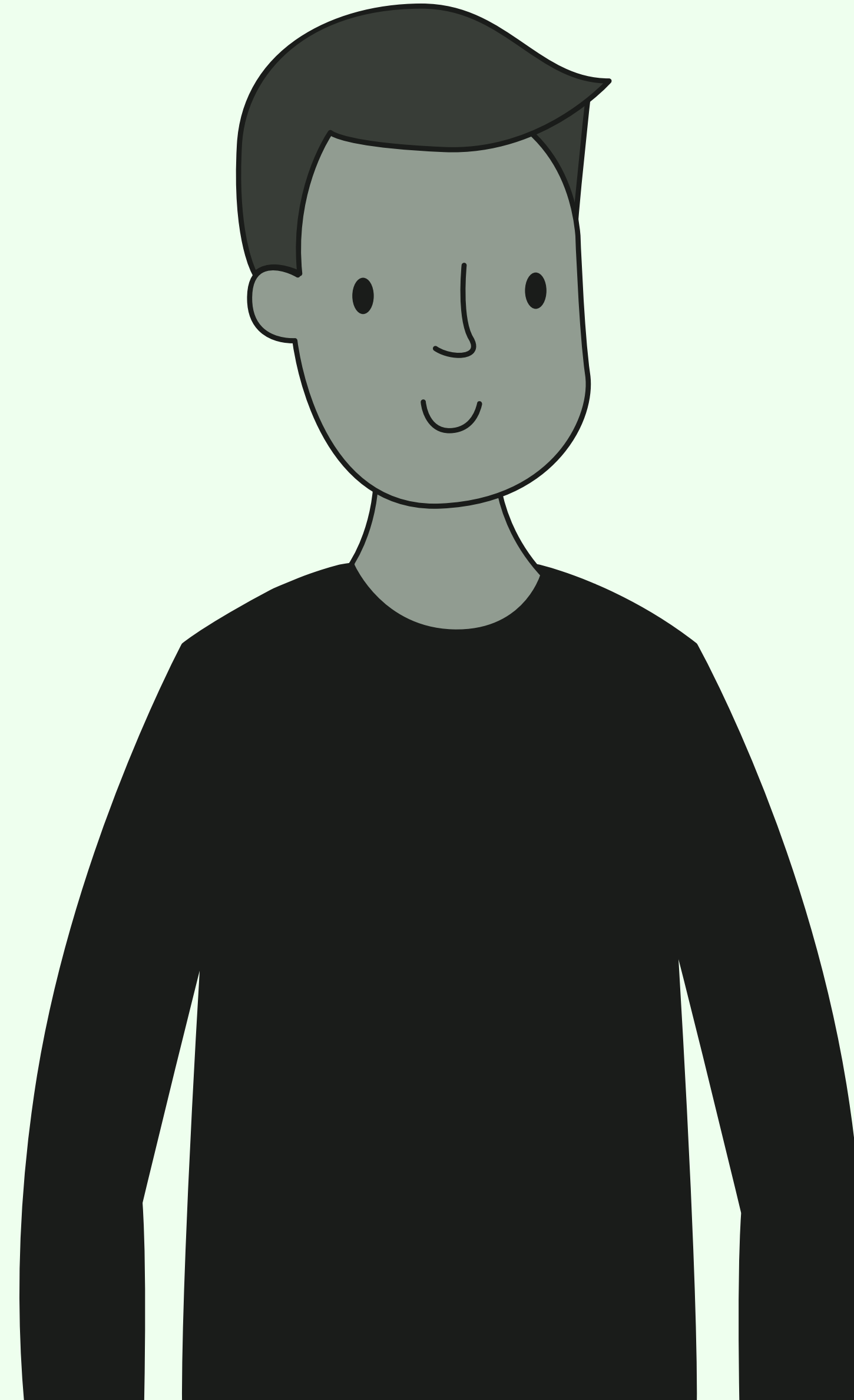
Under the Equality Act 2010, bus and coach operators have a responsibility to make reasonable adjustments where a disabled person is put at a disadvantage in comparison with a non-disabled person as a result of a rule or policy.

.....

This duty requires a bus or coach company to take reasonable positive steps to ensure that disabled people can access its services.

Continued

The service provider must anticipate use of its services by disabled people and take steps to avoid disadvantage. They should not wait until a disabled person wants to use the service before considering the responsibility to make reasonable adjustments.



What changes are ‘reasonable’?

How practical is it to make the change?

.....

What is the cost?

.....

What is the impact on other service users?

.....

What resources does the organisation have?

Continued

Is financial support available to help make
the change?

.....

Reasonable adjustments to the provision of services
are both anticipatory and individual.

Paulley v FirstGroup PLC

Wheelchair user Doug Paulley tried to board a FirstGroup bus. The driver asked him to wait, as the wheelchair space was currently taken by a mother with her sleeping child in a pushchair.

.....

When the driver asked the woman to leave the space she refused, meaning that Mr Paulley was unable to board the bus and missed a vital rail connection.

.....

On 18 January 2017, the Supreme Court made a landmark ruling that bus companies must end ‘first come, first served’ policies and do more to cater for wheelchair users.

Judge's Commentary

Lord Neuberger, the President of the Supreme Court, said:

“Where the driver concludes that the non-wheelchair user’s refusal is unreasonable, it seems to me that it would be unjustifiable for a bus-operating company to have a policy which does not require some further step of the bus driver in any circumstances.”

Continued

This will mean that the driver should take further steps to request a non-wheelchair user makes space for wheelchair users, rather than just accepting that a non-wheelchair user cannot move.

.....

Bus companies should have clear policies in place and give training to drivers to help them to remove any barriers that wheelchair users face.

Grant v Arriva London North Ltd

Following a legal challenge supported by the EHRC, Arriva London North Ltd came to a legally binding agreement with a passenger to help ensure that drivers do more to enable disabled people to access public transport.

.....

Nina Grant has Ehlers-Danlos syndrome and uses a wheelchair. She was regularly left on the kerb by bus drivers. On one occasion a driver failed to open the doors to her before driving off, as he said that there was a buggy in the wheelchair space and this couldn't be moved.

Arriva's Undertakings:

To improve accessibility for disabled passengers.

.....

To include comprehensive mandatory Equality Act training, including the duty to make reasonable adjustments for disabled passengers, in every driver's induction.

.....

To require drivers to undertake refresher training on legal duties and to assess them against a minimum competency standard, with a record maintained on each driver's personnel file.

Continued

This training to form part of each driver’s mandatory CPC training regime.

.....

Should a driver fail to reach the Competency Standard, the driver will not be permitted to drive until the issue is resolved.

.....

At the end of each shift, every driver is required to complete and file a record of each occasion during their shift when access has been refused to a wheelchair user. Failure to do so will give rise to an investigation and, where appropriate, disciplinary action.

Equality and Human Rights Commission

‘Transport operators have clear responsibilities in law to help disabled people travel freely, but often they are failing to meet them. Disabled and older people’s right to take public transport is one that we will vigorously defend.’

.....

‘[EHRC] will offer legal support to resolve complaints in the first instance but, failing that, we will not be afraid to support a case to ensure that everyone is able to enforce their legal rights.’

.....

‘Disabled people and older passengers must be able to enjoy public transport just like everybody else.’

REAL

Respect

REAL

Empathise

REAL

Ask

REAL

Listen

REAL Passenger REAL Person



Department
for Transport