

Licensing Authorities' Briefing



REAL
REAL Passenger REAL Person


Department
for Transport

Discussion

What are your key responsibilities towards disabled passengers who are using taxis or private hire vehicles (PHVs)?

Are you already meeting them? If so, how?

If not, what steps should be put in place to ensure future compliance and equality?

What support could you offer to taxi and PHV companies and drivers to help them understand and comply with the law and to provide an inclusive service to disabled passengers?

Your Role

Supporting Compliance

Taxis, PHV companies and drivers should all be required to undergo disability-awareness training of a standard set by the Secretary of State for Transport.

Information on how to complain about taxi and PHV services should be displayed in taxis and PHVs.

We recommend that licensing authorities conduct an accessibility review every three years.

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Holders of taxi and PHV driver licences and dispatcher licences must comply with the law, as set out in the Equality Act 2010. This is also a condition of their licence.

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Licensing authorities should reconsider rank design to ensure compliance with the Equality Act 2010.

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Licence conditions should stipulate that information about the licensing authority, local operators and the types of vehicle available should be provided in alternative formats.

Charging Policies

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

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Regardless of whether a wheelchair user sits in their wheelchair during the journey 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.

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

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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, this practice disadvantages people who take longer to get into a vehicle and to 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.

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In practice, a taxi driver is rarely deployed for 100% 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 unrelated to their disability should not be charged for waiting time, in the same way as any other passenger.

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

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When drivers are 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 using cash, including some blind and partially sighted people, and some people with learning disabilities.

Insurance

Taxi insurance tends to cover vehicles rather than people, and so may not include cover for personal injury to a driver or passenger.

Operators who employ drivers will have employers' liability insurance to cover the risk to drivers.

Self-employed drivers should consider taking out their own insurance.

In addition, some licensing authorities insist on public liability insurance as a licensing condition.

Wheelchairs

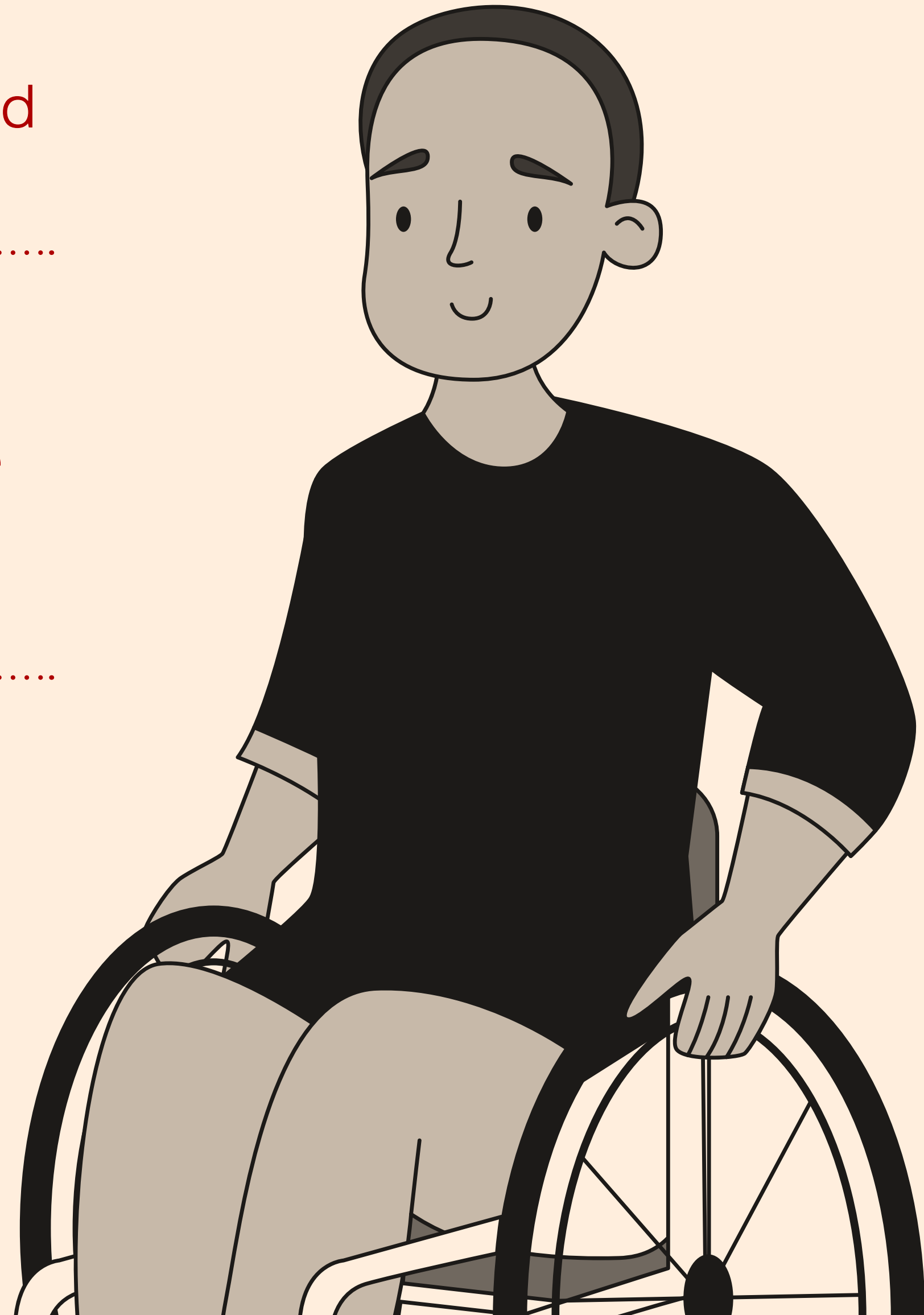
Drivers should be aware that leaving a wheelchair user at the roadside could put that person at risk, and should take all possible steps to avoid this outcome.

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Drivers should not allow wheelchair users to travel sideways in their wheelchair and must ensure that the wheelchair is restrained in the designated space correctly. An occupant restraint should be offered to the wheelchair user.

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To do this effectively, drivers must receive training in the use of all relevant belts and other restraint and locking mechanisms.



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If wheelchair users wish to transfer from a wheelchair to a seat in order to travel in the vehicle, the driver should ask what assistance is required before touching either the passenger or the wheelchair.

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Drivers should be prepared to fold up a manual wheelchair if necessary (under instructions from the wheelchair user) and stow it safely for the journey.

Mobility Scooters

Recent developments in design have led to an increase in smaller and more manoeuvrable scooters that can be accommodated in wheelchair accessible taxis and private hire vehicles.

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Drivers should be mindful, however, that scooters are generally less stable than wheelchairs. Passengers should not remain seated in their scooter while travelling in the vehicle as to do so risks injury if the scooter tips over.



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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.

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If scooters are to be carried inside the main body of the vehicle (for example, in a hackney carriage), they must be safely secured. This can sometimes be difficult as scooters are not always designed with appropriate anchorage points.

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A driver would be entitled to refuse to carry a scooter that cannot be secured, as it would constitute a serious hazard in the event that they had to suddenly stop the vehicle.

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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.

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Drivers should not be expected to disassemble and reassemble the scooter, and could refuse to lift any element of the scooter that weighs in excess of 20kg.

Damage to Mobility Equipment

As with the goods of other passengers, drivers are likely to be responsible for any damage to mobility equipment that occurs during a journey.

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If the damage is the result of an accident that is the fault of another driver, it should be possible to claim on the insurance of the other driver.

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In all circumstances, 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 their wheelchair.

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Operators who are concerned about such occurrences should take out appropriate insurance.

Assistance Dogs

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.

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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.

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Where there is an airbag fitted, it is important to tell the owner if they are sat in the front of the vehicle. They can then 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.

Dogs and Islamic Law

Guidance from the Islamic Sharia Council in 2002 confirmed that trained assistance dogs may accompany disabled people in taxis and private hire vehicles managed or driven by Muslims.

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The Council's guidance helps to clarify religious law and prevent any possible conflict with secular law.

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Lord Ahmed, a Muslim spokesperson in the House of Lords, said at the time: "Islam is a religion that cares for people. Although it is not encouraged to keep a dog in the house, if the dog is owned for reasons of safety then it is permitted. When a disabled person is accompanied by a trained dog, such a dog becomes a blind person's eyes and therefore should not be stopped from entering with a blind person."

Refusing to Carry Assistance Dogs

This issue is highlighted by disabled people as a frequent breach of their rights. Research from Guide Dogs for the Blind backs this up.

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The July 2018 Inclusive Transport Strategy stated that by the end of 2019, the DfT would ‘take steps to understand why taxi and PHV drivers continue to refuse to transport assistance dogs [...] We will undertake research to identify why the risk of fines and the loss of a driver’s licence appear insufficient in some circumstances to prevent them from discriminating against assistance dog owners. We will use evidence from this work to support any further action that we may take in this area to ensure that assistance dog owners are able to travel by taxi and PHV free from the fear of discrimination.’

Exemption

If a driver has a medical condition, such as severe asthma, which is aggravated by contact with dogs, or if they are allergic, or have an acute phobia of dogs, it may be possible to qualify for an exemption.

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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.

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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.

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If the licensing authority refuses to issue an exemption certificate, the applicant has a right of appeal to the local Magistrates' Court. This right must be exercised within 28 days of the date of the licensing authority's refusal.

Tackling Other Problems

How would you deal with the following complaints?

A blind passenger believes that the driver has deliberately taken them on an unnecessarily long route to push up the fare. The driver denies it.

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A wheelchair user complains that the driver refused to help manoeuvre the wheelchair into the correct (rear-facing) position and insisted they should travel sideways.

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The family of a woman with dementia complain that a driver made her leave the taxi in an unfamiliar place and made no effort to ensure that she was safe.

Inclusive Travel

Disability Assistance and Social Distancing

Taxi companies and drivers may need to ensure ‘social distancing’ at intervals to support efforts to suppress the transmission of viruses.

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Maintaining an inclusive transport offer is also vital and a legal requirement.

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It is crucial to consider disabled people’s rights when developing policies and practices on social distancing, and to ensure a balance between health and safety and anti-discrimination practice.

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Personal protective equipment may be required for staff providing very close assistance to disabled passengers.

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You may wish to advise local licensees about best practice in this area.

Your Role

Promoting Equality

Licensing authorities are likely to be public authorities and have a public sector equality duty under the Equality Act 2010.

To promote equality they should consider steps such as:

Encouraging the availability of wheelchair accessible taxis within their area

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Requiring licence holders to undergo disability-equality training

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Reviewing the location of taxi ranks and considering whether their location is helpful to disabled people (e.g. do passengers have to cross a busy road to get to a taxi from a station?)
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Reviewing the enforcement of parking provisions where these have been decriminalised, so that taxis and PHVs are not penalised when stopping or waiting for disabled passengers who can take longer to get to and enter vehicles
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Promoting disability equality in their licensing functions

REAL

Respect

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Empathise

REAL

Ask

REAL

Listen

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