



# Avoiding Disability Discrimination in Transport

## A Practical Guide for Buses and Scheduled Coaches

### 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 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.

## Purpose and scope of the Guidance

This Guidance is aimed at operators of scheduled bus and coach services operating in England, Scotland and Wales. The information provided may also be useful for operators of light rail and tram services, who will find further advice in the Guide for Operators of Rail services.

As explained above, the Guidance is intended to be a practical guide, offering good practice advice to bus and coach operators in serving disabled customers and potential customers. It shows how the adoption of good practice can promote equal treatment of – and avoid discrimination against – disabled people.

However, the Guidance is not intended to offer a detailed explanation of the workings of the 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 the Appendix 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 scheduled bus and coach 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), 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 practices (a concept which is in any case difficult to define in a rapidly changing world), there may be occasions when bus companies may want to go beyond the advice given in this guide in order to effectively serve disabled customers.

The types of vehicles covered here are buses and coaches (public service vehicles) built to carry more than 22 passengers which are used on scheduled services. Vehicles that provide non-scheduled services (such as tour coaches and sightseeing buses) are dealt with in a separate publication.

## What the law says

As stated before, this Guidance is not intended to provide an interpretation of the DDA, however a brief summary of its basic principles is set out below. A more detailed summary is also provided in the Appendix of this Guide.

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 involves 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. For scheduled bus and coach operators this means things like information services and accessibility of stations. Some transport operators (including scheduled bus and coach operators) also have to comply with detailed technical regulations under Part 5 of the DDA. These regulations mostly affect the physical design and layout of the vehicles they cover.

Since December 2006 scheduled bus and coach operators have had duties in relation to the provision and use of the vehicles they provide.

- 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.

Operators of the services covered by this guide are likely to include in their fleet, vehicles which have been brought into service since 31 December 2000, which must therefore comply with the Public Service Vehicles Accessibility Regulations (PSVAR) issued under Part 5 of the DDA. The PSVAR set design standards, including those for wheelchair accessibility, and a number of other features to make them accessible to disabled passengers. These regulations have required new full size buses to be fully accessible since December 2000,

whilst coaches have only had to meet the general accessibility requirements since that date – the requirements for wheelchair accessibility were deferred until January 2005.

The PSVAR have been supported by Conduct Regulations for the staff of bus companies which set standards of service for disabled passengers using vehicles compliant with these regulations. The Conduct Regulations form the basis for much of the relevant sections of this Guide.

Throughout this guide we use the term “accessible buses”. Within this term we include some vehicles introduced to service before the PSVAR came into force. Such vehicles include a number of features of the PSVAR, notably being low-floor, with kneeling suspension and include a ramp and space for a passenger to travel in their wheelchair. However they are not fully compliant with the regulations. Vehicles compliant with the PSVAR do not at present have to provide audible and visual announcement systems (although a small number of operators have chosen to install such equipment, and Transport for London are in the process of requiring it to be fitted to all buses operated in London) and as such we acknowledge that they are not fully accessible to people with visual and hearing impairments, as well as some passengers with learning difficulties. Nevertheless for the sake of simplicity we have decided to use the general term “accessible buses” when referring to vehicles which include provisions for a significant range of impairments.

### **Who is a disabled person?**

There are officially 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 issues or diabetes.

Bus and coach operators should avoid stereotypical assumptions as to whether or not someone is disabled, or as to 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.

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.

### **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.

### **Positive attitudes, positive outcomes – the importance of staff training**

In the operation of public transport services there is close contact between the operator's staff and passengers. This applies particularly to the bus or coach driver and to other onboard staff or those at bus stations and interchanges, but there is also contact between passengers and staff who deal with requests for information either in person or over the telephone. It follows that training staff to understand how they can best meet the needs of disabled passengers 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.

### **Content of a training programme**

A programme for staff training should vary appropriately according to the level of detail required. The following are some basic pointers for reference. The programme should:

- Be based upon the principles of the ‘Social Model’ of disability; these ensure that the starting point for any training is the acceptance 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.
- 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 should be trained not to simply assume that a person needs a particular form of help, and to ask if help is required before giving it.
- Ensure that staff know how to operate any equipment, for example a wheelchair ramp, correctly and safely.
- Explain how to communicate effectively, particularly with people with learning disabilities or speech impairments as well as people with hearing loss.
- Instruct the staff what to do in the case of an emergency, for example bus or coach breakdown.
- Give an overview of what the DDA legislation means in practice.
- Aid personal development, for example by encouraging staff to learn sign language.

### **Need for continuing training**

Training of this kind is not a one-off activity. Refresher training should be given regularly, for example, to take account of relevant technological developments. Where operating companies are too small to have the necessary resources to develop their own training programme, there are training specialists who can advise on the content of training for front-line and management staff.

### **Information about services**

Journeys usually start with the customer finding out about what services are available. The ways of doing this are varied. The prospective passenger may call at an operator’s ticket or enquiry office – or telephone; they may find out about the service from advertising leaflets or a local newspaper or there may be a website they can visit. The Traveline and Transport Direct facilities are further sources of information as are co-ordinated passenger information services of local authorities.

### Access to the booking office

Where a company has an enquiry office or travel centre to which members of the public have access, this should be accessible for disabled passengers. If there are steps up to the office entrance, for example, the operator should consider installing a ramp for wheelchair users. The provision of an induction loop at the booking office counter would assist people who use a hearing aid and the provision of an accessible toilet (if the operator already provides toilets for customers) would assist wheelchair users and others with mobility difficulties. Further guidance on providing access to buildings can be found in 'Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure', which is published by the Department for Transport.

### Telephone enquiries

For most customers seeking pre-journey information, the telephone is likely to be a major means of contact. As with all customers, courtesy and a willingness to help are of paramount importance in creating a positive initial impression.

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 receptionist 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.

Operators of scheduled coach services may find that providing a dedicated helpline for disabled customers is a useful feature. Such a helpline may be particularly useful in providing information to wheelchair users about routes operated by wheelchair accessible coaches, and details of wheelchairs which can be accommodated. The helpline could also take bookings for the

wheelchair space. It is particularly important that, as there is only one space for a wheelchair on any coach, it is not double-booked for any part of a journey.

### Websites

Using the internet to find out information on routes and timetables and, (in the case of coaches) to make bookings is increasingly popular. 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.bsi-global.com](http://www.bsi-global.com).

The information on the operator's website should include brief details of any specific facilities that are provided for disabled people. For example, identifying routes on which accessible buses are operated. If only some of the vehicles are accessible on certain bus or coach routes the information should indicate this and the frequency at which accessible buses are operated.

There may be other facilities that an operator can make available that will be of help to disabled passengers such as a pre-assessment process for mobility scooters to ensure that they can be accommodated on buses. If these are in place, they should be mentioned on the website.

**Example:** A major scheduled bus operator is replacing its vehicles with wheelchair accessible buses. Its website lists the services on which these accessible buses are available. The website is updated as wheelchair accessible vehicles are added to the fleet.

### Printed information

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 ask for a special adjustment.

For items such as pocket timetables, where bus companies provide detailed information in what needs to be a compact format, it is accepted that printing in 14 point will often be impractical. A smaller font is acceptable, provided that this information is made promptly available in a larger font when requested.

Train Companies should also make information available in Braille, on tape or CD Rom.

Marketing 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. For example, if an operator is introducing new, accessible vehicles onto any of its routes, these should be actively promoted so that those disabled customers who will now be able to use them are aware of the situation.

### **Booking procedures**

This section applies particularly to scheduled coaches, where pre-booking is possible or even advisable in advance of the journey.

#### **Advance booking**

If a service operates with a pre-booking system, as a matter of policy disabled passengers should not be required to book further in advance than other passengers. However, where suitable accommodation is limited (for example, for passengers travelling in their wheelchairs) operators may well advise that early booking would be prudent.

Because a coach will be likely to have only one wheelchair space available, it is important that steps are in place to avoid double-booking on any part of the journey. Bookings for the wheelchair space should be notified to the driver both to ensure that they do not allow the space to be filled by someone else, and to remind them to park their vehicle to leave space for deploying the lift at the stop where the wheelchair user will board the bus.

However, wheelchair users should be able to 'turn up and go' if there are no pre-bookings on the section of the route they wish to travel.

**Example:** A wheelchair user wishes to travel by accessible coach on a particular route. They turn up without booking and the wheelchair space is vacant. However, the driver does not allow them to board because the space has already been booked between two stops on that route, and the space needs to remain vacant for the booking. However, if the wheelchair user only wishes to travel as far as the stop at which the other passenger is due to board, they should not be refused.

It should be noted that many wheelchair users can climb the steps to board the coach and their wheelchair can be folded or dismantled so that it will fit in the luggage compartment. It is important therefore to explain the reason why a wheelchair user cannot be permitted to board the coach. In the example above the passenger may have decided to climb the steps so that they could still undertake their journey.

### **Charges for services**

It should be remembered that it is not lawful to charge a disabled customer more than other customers for a coach journey, for example by levying an extra charge for the carriage of a wheelchair or an assistance dog.

### **Boarding and alighting**

Most scheduled bus and coach services operate with a driver as the sole member of on-board staff. Drivers should assist disabled passengers in boarding and alighting when requested. This may consist of simply telling a visually impaired customer the destination of the bus, through to deploying boarding equipment for wheelchair users. There are some limitations on the steps a driver can take and these are discussed in the section below.

### **Use of kneeling suspension**

Drivers of vehicles fitted with kneeling suspension should make use of it at all stops. This is important because drivers cannot be expected to know when a passenger has a hidden disability, such as a heart condition or breathing difficulties, which makes it difficult for them to step up into the vehicle.

It is also important for bus and coach drivers to make every effort to pull up close to the kerb at stops, and where a stop is obstructed by a parked vehicle, to endeavour to find an alternative point at which the kerb can be reached rather than picking-up or dropping-off passengers in the roadway. This will be particularly necessary where wheelchair-users wish to board or alight.

### **Use of boarding aids**

It is important that staff understand their responsibilities in connection with the use of boarding aids, particularly where manual or portable wheelchair access ramps are used which require the driver to leave his cab.

If a driver's safety were likely to be at risk through, for example having to leave their cab in an area and at a time of day when there have been previous attacks on drivers, they would not be expected to do so. However where operators are aware that this is likely to be the case they should specify power-operated rather than manual ramps for buses on those particular routes. It is especially important that, wherever possible, drivers offer assistance where the bus cannot pull up at a stop in the intended position and it is therefore necessary to deploy the ramp to a sub-standard height of kerb, with a resultant steeper gradient for a wheelchair-user to ascend or descend.

### **Staff Assistance on High-floor Vehicles**

Getting on or off a high floor coach can be challenging for some people. Drivers and/or conductors should be ready to offer assistance with boarding and alighting – though they should always ask the customer first whether they need assistance and if so, how best to do this (rather than making assumptions

based on past experiences). This could mean helping (providing a supporting arm but not physically lifting) someone up or down the steps or guiding a blind passenger to a seat.

If a coach has a wheelchair passenger lift, it is the driver's responsibility to operate it, to assist the passenger into the body of the coach and to ensure that the wheelchair is correctly secured.

When boarding passengers at a stop, drivers of scheduled buses and coaches should assist blind or partially-sighted passengers by telling them the route number and destination of their vehicle on request. If someone is waiting at a stop with a white cane (an indication that they may be visually impaired), drivers could let them know the number and destination of the bus.

### **Carriage of wheelchairs**

On a coach where folding wheelchairs can be stowed in the luggage compartment, drivers should be expected to assist in stowing these, though a reasonable weight limit may be applied (eg: 20kg). On buses there is in general limited luggage storage space and it is simpler if a wheelchair user remains in their wheelchair and travels in the designated wheelchair space. However, they should not be prevented from transferring to an ordinary seat and folding their wheelchair away provided that it can be safely stowed. This is particularly important if the wheelchair space is already in use by another wheelchair user. In such circumstances the driver might also ask the wheelchair user already on board whether they would be able to fold their wheelchair and transfer to a seat if the passenger who wants to board is unable to do so.

### **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 5 wheelchairs and could not be carried in buses or coaches.

Not surprisingly therefore, many bus companies have operated a ban on carrying mobility scooters. However, Government-sponsored research conducted in 2006 showed that increasing numbers of the most popular mobility scooters on the market will now fit into the wheelchair space although a proportion of these do not have the turning circle to manoeuvre into the wheelchair space.

Given the variety of scooters in use it may be difficult for a bus driver to identify which models can be accommodated. However, it would be unfair to retain blanket bans on scooters when at least some of them can safely travel on

buses. The Government research described a limited number of bus companies which permit scooters to travel on their buses after they have been assessed as being able to fit safely into the wheelchair space. The owners of such scooters are issued with a form of accreditation confirming that they can use the bus, which they can show to the driver when boarding. In the present circumstance of rapid improvements in both bus and scooter design this appears to be a sensible practice.

The majority of mobility scooters are unsuitable for occupied transportation and the passenger should transfer to a conventional vehicle seat to travel after manoeuvring into the wheelchair space.

On coaches, lightweight scooters can be stowed in the luggage compartment in a similar manner as for manual wheelchairs, subject to the suggested 20kg maximum weight suggested above. Some scooters can be quickly disassembled to make stowage simple. Although drivers should not be expected to disassemble or reassemble scooters they should stow the parts of the scooter, subject again to a 20kg maximum weight of any individual part.

### **Hail and ride and request stops**

If hail and ride is practised, and at request stops, drivers should pay particular attention to potential passengers who may not be aware that the bus is approaching – for example because they are blind or partially-sighted, or their view of the bus is obstructed.

### **Refusal of boarding**

Operators and anyone representing them must remember that it is unlawful to discriminate against a disabled person in the way in which they provide or do not provide their services for a disability-related reason (see Appendix 1). Thus, a company cannot refuse to accept a customer simply because they are disabled.

However, the requirement not to discriminate does not mean that a disabled person must be accepted no matter how they behave. If a disabled person who was drunk and behaving in a disorderly manner wanted to travel on a bus or coach, the driver would be justified in not permitting him to board, because a non-disabled person behaving in the same way would also be refused.

### **Help points**

Where a Help Point is provided at a bus or tram stop, it should be made available for use by disabled people, such as blind or partially-sighted passengers and people with learning difficulties. This is especially important if no audible announcements are made of the arrival and departure of services.

### **Ticket machines**

If ticket vending machines are available, care must be taken with their design to ensure that they can be used by people with differing requirements, for example people with learning difficulties may have different needs to someone who is blind or partially sighted. It should, for example, be possible for a wheelchair user to reach the coin or card slot, selection buttons or touch screen and the ticket dispensing tray. Ideally, use should be made of tactile signage or an audible facility on ticket vending machines to assist blind and partially-sighted passengers. Care must also be taken with the location of ticket vending machines and Help Points to minimise the effects of bright sunlight on the controls or information screens.

### **Provision of appropriate infrastructure**

It is important for operators to work closely with local highway authorities to ensure that bus/coach stops are fit for purpose. Kerb height should be a minimum of 125mm and preferably 140-160mm with use made of 'Kassel' kerbs at the busiest locations. Adequate protection from parked vehicles at stops should be ensured by the application and enforcement of Bus Stop Clearway Orders and there should be properly-maintained road markings to delineate the box or stopping point.

Likewise, situations in which drivers are regularly prevented from reaching the kerb due to illegal or inconsiderate parking at stops need to be brought to the attention of the relevant enforcement agencies by operators. Local authorities may sometimes need to be reminded that they also have duties under the DDA in terms of access to, and design of, bus and coach stops.

Careful liaison between operators and highway authorities is also essential when there are traffic diversions or road closures, to ensure that the accessibility of the services affected is not compromised.

### **Travelling on the vehicle**

For all passengers, but particularly those with painful conditions, a high standard of comfort when travelling by public transport is important. Drivers of buses and coaches should therefore avoid sharp braking, excessive acceleration and fast cornering. They should also try to avoid pulling away from a stop until it is clear that all passengers are seated or have occupied a designated standing area, since for anyone with restricted mobility this can be particularly dangerous and could cause them to fall.

### **Use of the wheelchair space**

In most buses and in some coaches there is a designated space in which a wheelchair user may travel while seated in their wheelchair. Though this area may be used by other passengers – for example, people with children in unfolded pushchairs – it is a requirement of the PSVAR that signage makes it

clear that the wheelchair user has priority. The bus driver shall request that the designated space is cleared for use by a wheelchair user when required. Users of tip-up seats or those with children in buggies (which may therefore need to be folded and the child carried) should be able to move elsewhere in the bus whereas a wheelchair user can only travel in the designated space.

This can be a difficult issue requiring a tactful approach by drivers and will need to be included as a detailed component of any staff training programme. Operators may also wish to ensure that drivers make use of radio systems to contact their supervisor, who may then contact the police in the event of a conflict over use of this space.

**Example:** A bus driver pulls up at a stop at which a wheelchair user is waiting to board. The bus is already full to capacity with a large number of standing passengers occupying the wheelchair space and no-one on board alights from the vehicle. The driver has no choice but to refuse access to the wheelchair user. If, on the other hand, there are empty seats on the bus which some of those standing passengers could occupy the driver should request them to do so in order that the wheelchair space can be made available for the waiting passenger.

In assessing whether to seek assistance in resolving a conflict over a wheelchair space a driver may consider the degree of inconvenience created for the wheelchair user compared to the extent of the confrontation with the passengers who will not clear the wheelchair space. It will obviously be more important to clear the space if the bus is operating an hourly service compared to one which runs every 5 minutes. However, it is also important to consider the safety and comfort of the disabled person at the stop, and the likelihood that the wheelchair space will be free on the next bus.

Simply refusing to pull away until the space has been cleared may put sufficient pressure on passengers who were refusing to vacate the wheelchair space to do so. But drivers should not be expected to put themselves at risk of physical assault.

### **Seat belts**

If asked, a coach driver should be prepared to assist a disabled passenger in doing up their seat belt. The driver should also ensure that if a passenger is travelling in their wheelchair, both the wheelchair and the passenger are correctly secured.

### **Audible announcements**

It is important that some passengers are informed when they arrive at their destination stop. Blind and partially sighted people will be unable to recognise

that they have reached their stop and should alight from the bus. Passengers with learning disabilities travelling in unfamiliar areas may also need this assistance, as may wheelchair users who have to travel facing backwards.

If a scheduled bus or coach is not fitted with an on-board information system to make audible announcements of the name of each stop, drivers should respond to passenger requests for their stop name to be called out or announced over the public address system.

### **Out of course events**

In the event of service disruption, a vehicle breakdown or an emergency situation, drivers or other on-board staff must ensure that those disabled passengers who need it are given advice on how to complete their journey by other means. For example, someone who is hearing impaired might not hear an audible announcement that a bus has broken down and a journey terminated. The driver should be prepared to provide a short written note to explain what is happening.

When buses are diverted from their normal route someone who is visually impaired may not be able to locate where they are being set down and should be given directions to the normal bus stop. Someone with learning difficulties might find the disruption of their regular routine disorienting and traumatic and also need directions to their normal stop.

Where a replacement vehicle is to be provided in the event of a vehicle breakdown or other journey disruption, the operator should if possible ensure that the replacement vehicle has a comparable level of accessibility. Thus, if the broken-down vehicle is wheelchair accessible and a wheelchair user is on board, the replacement vehicle should also be wheelchair accessible. If such a vehicle is not available within a reasonable time, the operator should make alternative arrangements, perhaps by finding an accessible taxi or minibus, which could take the wheelchair user on to their destination.

It is important that, wherever possible, operators should make advance contingency plans for such out of course events, for example by compiling up to date lists of local taxi firms offering accessible taxis.

### **Comfort stops**

For long-distance services on scheduled coach services, an on-board toilet is sometimes provided. Where this is the case, but a disabled passenger is unable to use it, the operator should consider the provision of comfort stops so that passengers can make use of an accessible toilet.

### **Equipment checks and breakdown**

Operators should carry out regular and frequent checks of equipment such as power-driven wheelchair lifts and ramps, and any on-board information systems to ensure they are in full working order. It would be sensible if, before starting on their route, drivers were to carry out checks of such equipment as standard, in the same way that they would carry out checks of other electronic equipment. This way, if the ramp is not working the driver can report the fault immediately so that the repair can be scheduled as quickly as possible.

If it is necessary to withdraw the vehicle from service, it must if possible be replaced with an accessible vehicle, with the repair undertaken as a priority. In the event that no accessible vehicle is available as a replacement it would be best if the driver of this bus is primed to be able to explain to anyone unable to board when the next accessible bus is due.

In some circumstances, where an inaccessible scheduled bus or coach has been substituted for an accessible one, operators could consider offering an alternative means of transport, such as an accessible taxi, for a wheelchair user waiting en route. For example, if the bus is the last service of the day, or if there is a substantial gap between services, the detrimental impact on someone who has planned their journey around an accessible bus only to find they cannot board is likely to be considerable. Obviously the operator would only be providing the accessible transport to the wheelchair user's destination stop. The driver, on seeing that a wheelchair user was unable to board could radio their supervisor to book an accessible taxi, having established

### **Introducing fully-accessible vehicles into service**

While vehicles which comply with the Public Service Vehicles Accessibility Regulations are increasingly being brought into service, there are also many older models still operating. During this period when a mix of both older and fully-accessible new vehicles are in service, operators should try to ensure that the allocation of types to routes is carefully handled. It is, for example, better to convert whole routes to accessible operation than to spread accessible vehicles

### **Customer feedback**

In order to achieve and maintain good levels of service, a scheduled bus or coach operator which does not already operate an effective system for obtaining, monitoring and acting on customer feedback should consider establishing one. 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.

The process will only really succeed, however, 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 or on tape.

In addition, operators might consider including disabled people among the 'mystery travellers' they use to check on the provision of their services and report on any inadequacies. This may also be dealt with through any monitoring regime established by the local authority sponsorship of Bus Quality Partnership schemes or their equivalent.

### 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.

#### 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 bus and coach operators this means things like information services, and ticket offices and stations.

Since 4 December 2006, providers of certain types of vehicle (including buses and coaches) also 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 are 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 buses and coaches):

- **Policies, practices and procedures** – bus and coach 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** – bus and coach 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 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 means of making the service available.

As far as bus and coach 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 ticket office).

### **Access standards**

Part 5 of the DDA allows the Secretary of State to set access standards for buses and coaches, rail vehicles and taxis. Regulations applying to buses and coaches which are used on local and scheduled routes came into force in 2000. These regulations, the Public Service Vehicle Accessibility Regulations (PSVAR), set detailed technical standards for buses and coaches brought into service since that date. These standards deal with the design or operation of the vehicles, and the requirements under this part of the Act are different from those under Part 3.

Further information on the PSVAR is available from the Department for Transport.