

PUBLIC PROTECTION COMMITTEE: 5 July 2011

Report of the Head of Regulatory and Supporting Services

**REMOVAL OF REQUIREMENT FOR DRIVERS TO UNDERTAKE
DISABILITY AWARENESS TEST**

1. Background

- 1.1 A request has been made by private hire operators Dragon and Premier, for the removal of the requirement for all new drivers to undertake the Disability Awareness Training. This is due to the amended BTEC course covering all aspects of the Disability Awareness Training. The matter has been reviewed and this report is to provide details of the findings and to recommend that the DAT course is now unnecessary.

2. Details

- 2.1 The Equality Act 2010 imposes duties on drivers of wheelchair accessible taxis and private hire vehicles to assist passengers who use wheelchairs.
- 2.2 Since 1991, all new applicants for a Hackney Carriage/Private Hire Driver's licence have been required to undertake Disability Awareness Training (DAT) within 3 months of the licence being granted.

Rookwood Hospital Physiotherapists is authorised as an approved organisation for the purpose of the disability awareness training and they charge a fee of £20.00 for the course to each person attending.

- 2.3 Since 2010, all new drivers have also been required to pass a Level 2 BTEC Award in Transporting Passengers by Taxi and Private Hire when making an application for the grant of a licence.

At its meeting in February 2011, the Committee resolved to approve an amendment of this qualification to a Level 2 BTEC: Introduction to the Role of the Professional Taxi and Private Hire Driver. This course was accredited onto the Qualifications and Credit Framework for first teaching from January 2011.

The new course has been improved to include a module on disability and accessibility which includes the following learning outcomes:

- Understanding anti-discriminatory legislation
- How to recognise when a passenger needs assistance
- How to provide an appropriate service for customers who may experience difficulties in using taxis and private hire vehicles

- How to provide safe wheelchair assistance to customers who require transfer to an accessible vehicle

The new course covers disability awareness comprehensively, and details of the information provided are contained in Appendix 1. The course also includes a practical demonstration aspect that is not currently offered by the DAT.

- 2.4. Licensing Officers have observed the module of the BTEC and have confirmed that it duplicates all aspects of the DAT and provides more in depth information to the technical aspect of disability awareness as well as the addition of a practical assessment. The DAT course therefore is now unnecessary as the information provided has been replaced by the superior BTEC course.

3. Legal Implications

- 3.1 The Council is not permitted to grant a licence to drive hackney carriages or private hire vehicles unless it is satisfied that the applicant is a fit and proper person to hold such a licence. In modern times, and particularly since the introduction of disability discrimination legislation, it is essential that a driver should be aware of relevant issues relating to disabled people and be able to provide an appropriate level of service to disabled people. The Council needs to have evidence that a driver meets those requirements.

4. Financial Implications.

- 4.1 The licensing service is required to be self financing with all expenditure being recovered through licence fees and charges. The BTEC course is directly financed by applicants as is the DAT course.

5. Recommendation

- 5.1 That for the purposes of applying for the grant of a hackney carriage or private hire drivers licence the production of the BTEC Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver be accepted as satisfactory evidence of having completed disability awareness training, and the requirement for the separate DAT course be removed.

Dave Holland
HEAD OF REGULATORY AND SUPPORTING SERVICES

9 June 2011

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None

Appendix 1: - BTEC Disability and Accessibility Module.

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| <p>1.Understand anti-discriminatory legislation</p> | <p>1.1 Explain vehicle accessibility provisions contained in current Equality Legislation</p> <p>Equality Act 2010 –</p> <ul style="list-style-type: none">• passengers with disabilities to be able to get in and out of taxis in safety and to do so while in wheelchairs• in reasonable comfort while in the wheelchair• size of door opening for the use of such passengers• the floor area of the passenger compartment• the amount of headroom in the passenger compartment• the fitting of restraining devices designed to ensure the stability of the wheelchair while the taxi is moving• that the driver s is required to carry ramps or other devices designed to facilitate the loading and unloading of wheelchairs• a requirement of the driver of a designated wheelchair accessible taxi to comply with the provisions as to the position in which the wheelchair is to be secured <p>Also see Code of Practice DDA 1995 the Equalities Act of 2010 also states that no additional charge should be made to a wheelchair passenger and the driver is required to give mobility assistance that is reasonably required which includes loading the wheelchair separately and loading reasonable luggage</p> <p>1.2 Describe the legal duties of a driver in assisting passengers in Wheelchairs</p> <p>Equalities Act 2010 place duties on drivers of designated wheelchair accessible taxis and private hire vehicles; applicable to driver of any wheelchair accessible taxi or private hire vehicle which is on licensing authority's list of designated vehicles;</p> <p>duties (to carry the passenger while in a wheelchair, not to make any additional charge for doing so, if the passenger chooses to sit in a passenger seat, to carry the wheelchair, to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort, to give the passenger such mobility assistance as is reasonably required)</p> <p>1.3 Explain the reasons why a driver can be exempted from assisting passengers in wheelchairs</p> <p>Reasons for driver exemption from assisting passengers using wheelchairs: medical grounds; if driver's physical condition makes it impossible or unreasonably difficult to comply with duties; licensing authority decision on drivers' application of exemption</p> |
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| <p>The learner will</p> <p>1 Know how to recognise when passengers need assistance</p> | <p>The learner can:</p> <p>2.1 Describe how to recognise and interact with passengers who may need assistance</p> <p>External signs to include assisted walking aids, plaster casts, speech difficulties, assistance dogs, guide dogs, hearing dogs, wheelchairs, prams or pushchairs, hearing aids</p> <p>2.2 Describe the role of assistance dogs and their coloured jackets</p> <ul style="list-style-type: none"> • Guide dogs (assist people who have a sight impairment, dog identified by yellow jacket) • Hearing dogs (assist people who have a hearing impairment, dog identified by burgundy jacket); • there must be no charge for carriage of assistance dogs <p>2.3 Explain the consequences of refusing an assistance dog without justification</p> <ul style="list-style-type: none"> • fine • suspension • revocation of licence <p>2.4 List the reasons why certain drivers are exempt from transporting assistance dogs</p> <p>A medical exemption certificate for driver required to justify not transporting assistance dog; 1. Asthma, 2. Chronic Hay-fever, 3. Eczema</p> <p>The main reasons a taxi or PHV driver may wish to apply for a medical exemption are if they have a condition, such as severe asthma which is aggravated by contact with dogs; if they are allergic to dogs; or if they have an acute phobia to dogs. According to the Department of Health, approximately 4 per cent of the adult population has asthma which is sufficiently severe to require regular medical supervision. However, not everyone with asthma will be affected by contact with dogs. There are no statistics on the prevalence of other related allergies or phobias to dogs. It may also be that treatment will be available for these conditions to make them less severe.</p> <p>2.5 Explain what is meant by the following terms:</p> <ul style="list-style-type: none"> • hidden disability – not physically obvious (includes epilepsy) • long term – lasting more than 12 months • chronic – disorder/disease of slow progression/duration • empathy – understanding and compassion <p>2.6 Explain the effects of Part 3 of the Disability Discrimination Act 1995 and part 12 of the Equalities Act 2010</p> |
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Improved Taxi Accessibility which within both acts gives disabled passengers improved access and rights to goods, services and facilities provide by operators

Taxi accessibility regulations – securing for disabled passengers the ability:

- (a) to get into and out of taxis in safety;
- (b) to do so while in wheelchairs;
- (c) to travel in taxis in safety and reasonable comfort;
- (d) to do so while in wheelchairs.

(2)The regulations may, in particular, require a regulated taxi to conform with provision as to—

- (a) the size of a door opening for the use of passengers;
- (b) the floor area of the passenger compartment;
- (c) the amount of headroom in the passenger compartment;
- (d) fitting of restraining devices designed to ensure the stability of a wheelchair while the taxi is moving.

(3) The regulations also—

- (a) require the driver of a regulated taxi which is plying for hire, or which has been hired, to comply with provisions as to the carrying of ramps or other devices designed to facilitate the loading and unloading of wheelchairs
- (b) require the driver of a regulated taxi in which a disabled person is being carried while in a wheelchair to comply with provisions as to the position in which the wheelchair is to be secured.

(4) The driver of a regulated taxi which is plying for hire or has been hired commits an offence—

- (a) by failing to comply with a requirement of the regulations
- (b) if the taxi fails to conform to any provision of the regulations with which it is required to conform.

(5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) In this section—

- “passenger compartment” has such meaning as is specified in taxi accessibility regulations
- “regulated taxi” means a taxi to which taxi accessibility regulations are expressed to apply

2.7 Define the term ‘discrimination’ and how it affects passengers who have difficulty accessing public transport

“Treating someone with a disability less favorably because of his or her disability”

Together with related Codes of Practice. It introduces measures aimed at ending discrimination and gives rights to disabled.

- Since December 1996 - it has been unlawful for service providers to treat disabled people less favourably for a reason related to their disability
- Since October 1999 - providers have to make reasonable adjustments for disabled people such as providing extra help or making changes to the way they provide their services
- From October 2004 - requires service providers to assess obstacles and make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.

Together with related Codes of Practice

Disability Discrimination Act 2005

Designed to extend rights for disabled people, and clarify and extend provisions of the DDA 1995.

Extends and details Part 5 DDA Transport.

2.8 Describe how it is unlawful for a provider of services to discriminate against a disabled person or other person

Operators must provide a service which is equally accessible to all sections of the community and can be deemed to discriminate by:

- delivering less favourable treatment of passengers which cannot be justifiable in law
- not making reasonable adjustments to service delivery
- not providing wheelchair ramps or lifts

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| | <ul style="list-style-type: none"> • Wide enough doors • Not ensuring there are unobstructed aisles or walkways • providing a lower standard of service • charging more • providing a service on inferior terms <p>As a result they could be fined, have their licence revoked, civil actions and possible imprisonment</p> <p>2.9 Explain the terms 'reasonable adjustments' and 'justification' in the context of safety and medical exemptions when deciding whether to transport passengers that have a disability</p> <p>Reasonable Adjustments</p> <p>Are adjustments that can be made without necessarily incurring heavy expenditure and that can be encompassed in normal changes which you might be planning to introduce. They also include thinking and acting on ideas which improve access for the disabled i.e re-arranging a workplace or pick-up point to improve access for the disabled passenger. This could include training for both drivers and control room staff</p> <p>Justification – in relation to safety and medical exemption</p> <p>A driver can justifiably refuse to assist a disabled person or wheelchair user if they have justifiable grounds.</p> <ul style="list-style-type: none"> • it is not safe to carry the passenger • the equipment necessary is faulty • the wheelchair is unsafe • if they have a health problem which prevents physical help i.e. they are themselves disabled, heart conditions, breathing disorders <p>2.10 Identify the relevant Codes of Practice and guides that have been written for drivers who transport passengers that require assistance</p> <ul style="list-style-type: none"> • Avoiding Disability Discrimination in Transport (A Practical Guide for Taxi and PHV Services) • Button on Taxis • The Highway Code • The Official DSA Guide to Driving |
| <p>3. Know how to provide an appropriate service for customers who may experience difficulties in using taxis and private hire vehicles</p> | <p>3.1 Explain the importance and technique of the booking office telephonists when taking requests from customers who have special requirements</p> <p>They need to be polite, courteous, non-discriminatory; informative; knowing current regulations; importance to include lack of knowledge or poor technique leading to</p> |

causing offence or distress, loss of business, loss of reputation, loss of licence, operating illegally

3.2 Explain why it is important to request the customer's permission if they require physical assistance

- Helps in maintaining dignity
- does not to embarrass or discriminate
- ensures the correct course of action is taken
- shows a duty of care

3.3 Describe the particular assistance measures that a driver can take when offering assistance to customers including those who

- are deaf or have impaired hearing
 - speaking clearly;
 - sign language;
 - written notes;
 - lip-reading;
 - using the induction loop
- are blind or are partially sighted
 - guiding either physically or verbally
- are non-ambulant or have limited mobility
 - physical support,
 - guiding
 - wheelchair accessibility and security
 - manual handling techniques for assisting in the transfer of passengers from wheelchair to car
- have learning difficulties
 - clear communication;
 - advice from escorts, schools, relatives, carers
- have particular speech or communication difficulties
 - clear communication;
 - advice from escorts, schools, relatives, carers

3.4 Explain the terms 'preserving dignity' and 'duty of care' in the context of assisting customers who have special assistance requirements

- preserving dignity – not to cause embarrassment or loss of face)
- duty of care - responsibility or legal obligation to avoid acts or 'negligence' which can be reasonably foreseen to be likely to cause harm to others

3.5 Explain why no extra charges are applicable to the transport of assistance dogs

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| | <p>Assistance dogs are considered essential tools in helping people with disabilities use our public transport systems and live a free lifestyle. As such they are not viewed as household pets and should always be allowed free travel i.e at no extra cost.</p> <p>3.6 Explain why door to door service should not be reflected in waiting charges</p> <p>Door-to-door service not reflected in waiting charges - customer may take longer to walk from building to car</p> <p>3.7 Explain why it is important that help and assistance is carried through at all stages of the journey</p> <p>Customer comfort; reassurance; safety; security; confidence; trust</p> <p>3.8 Describe how a driver can appeal against a Penalty Charge Notice (PCN) when a PCN has been received for extending a waiting period or infringing a parking restriction</p> <p>Penalty Charge Notice (PCN) appeals if received when assisting a passenger - grounds for appeal - extending a waiting period, infringing a parking restriction; appeal process includes when to appeal, how to appeal, who to appeal to, time limits etc record keeping (passenger details, details of the event);</p> |
| <p>4. Know how to provide safe wheelchair assistance to customers who require transfer to an accessible vehicle</p> | <p>4.1 Identify and describe the specialist equipment that may be fitted to an accessible vehicle</p> <ul style="list-style-type: none"> • wheelchair ramps • securing clamps • winches • swivel seats • restraining harness and straps, • guide rails • Induction loops <p>4.2 Explain the importance of carrying out regular inspections and risk assessment of disability aids</p> <ul style="list-style-type: none"> • ensuring equipment is fit for purpose and maintained correctly reducing potential for discomfort • embarrassment • injury • invalidation of insurance, • litigation • prosecution • loss of licence • loss of business <p>4.3 Explain the importance of knowing the safe working loads and limits of specialist equipment and any testing regimes that must be applied</p> |

- for disability aids
- harnesses and straps
- lifts
- ramps
- securing clamps
- ensuring that equipment is used within its designed capabilities
- important to know how to reduce potential for injury
- avoids embarrassment
- avoid potential litigation

Testing Regimes

1. Licensing of Lifting Equipment Regulations (LOLER) inspection
2. initial inspection on delivery
3. manufacturers' or suppliers' checking and testing
4. routine regular checking testing
5. post-accident or failure procedures (reporting and impounding)

4.4 Describe how to safely restrain a wheelchair and passenger

- fit ramp
- fold seat
- steer wheelchair passenger into appropriate space
- remove ramp
- place chair in final location
- fit restraining straps
- belt up the passenger

4.5 Describe appropriate procedures for dealing with defective passenger-safety equipment

- take vehicle off road
- do not use equipment
- take to repair centre
- report to operator

The importance is to reduce potential for injury or embarrassment and to avoid potential litigation

4.6 Describe the action that can be taken to deal with situations where schedules cannot be met, or where passengers are not at their agreed pick-up points

Actions where schedules cannot be met:

- inform customer
- inform operator
- offer alternative
- establish the priorities

Actions where customers not at pick-up:

- inform operator
- wait until confirmed actions with operator

4.7 Explain the importance of disability training for taxi and

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| | <p>private hire drivers</p> <ul style="list-style-type: none">▪ poor or no training leading to potential for discomfort embarrassment▪ injury▪ invalidation of insurance▪ litigation▪ prosecution▪ loss of licence▪ loss of business▪ loss of customer confidence▪ damage to vehicles and equipment |
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BTEC Practical Wheelchair Training Observation Report

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| LO.5 | Provide safe wheelchair assistance to passengers who transfer to an accessible vehicle | Pass Fail ✓ or ✗ Type A | Pass Fail ✓ or ✗ Type B |
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| 5.1 | Correctly deploy and stow wheelchair ramp/s (i.e. Straps secured and ramps firmly located into slots etc) | | |
| 5.2 | Check ramp incline for safe entry and exit (Has candidate checked the elevation and assessed the risk?) | | |
| 5.3 | Safely manoeuvre wheelchair & occupant into/out of vehicle (Has this been done safely and efficiently without undue anxiety on the part of the wheelchair occupant?) | | |
| 5.4 | Demonstrate that the brakes are applied and the wheelchair is restrained using the manufacturer's restraints (After locating and applying the restraints correctly have the wheelchair brakes been applied?) | | |
| 5.5 | Correctly fit the appropriate customer seat belt and wheelchair restraint and headrest/backrest if fitted (Has the three point seat belt been correctly fitted and adjusted?) | | |
| 5.6 | Ensure that the passenger is safe and secure (Throughout the simulation has the passenger safety been ensured?) | | |
| 5.7 | Safely reverse a wheelchair and its occupant down the ramp (Has the wheelchair occupant's safety and dignity been ensured and observed at all times?) | | |
| LO.6 | Be able to provide safe assistance for customers who want to transfer from a wheelchair into the vehicle | Pass Or Fail ✓ or ✗ | Pass Or Fail ✓ or ✗ |
| 6.1 | Open and fold a four-wheeled wheelchair (Open and close a wheelchair following manufacturer's instructions or those present) | | |
| 6.2 | Discuss with the passenger their capabilities in safely transferring themselves from the wheelchair into and out of the vehicle (Has the driver talked sensitively to the wheelchair occupant regarding their safety and wellbeing to determine what they need and inform them what the driver is doing or about to do?) | | |
| 6.3 | Check the wheelchair is fit for purpose and that it is completely stable prior to the passenger lifting themselves out of and into the wheelchair (Has the driver checked that the wheelchair is safe to carry?) | | |
| 6.4 | Select and use the correct disability aid for the transfer of the customer into and out of the vehicle (Has the driver with the passenger decided where the passenger can help themselves, where the driver can assist, where specialist assistance is required (carer/escort/relatives) or where to use mechanical equipment such as the hoist) | | |

Candidate Signature:

Name in Print:

Date:

Assessor Signature:

Name in Print:

Date: