



Comments from Imtac on the DfT consultation on improving access to taxis

April 2009

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About Imtac

- 1 Imtac is a committee of disabled people and older people as well as others including key transport professionals. Our role is to advise Government and others in Northern Ireland on issues that affect the mobility of older people and disabled people.
- 2 Our aim is to ensure that older people and disabled people have the same opportunities as everyone else to travel when and where they want.
- 3 Imtac receives support from the Department for Regional Development.

General comments

- 4 Imtac welcomes the opportunity to comment on the current consultation. Whilst the consultation covers England, Wales and Scotland only, the outcome of the process will have significant implications for the regulation of taxis in Northern Ireland.
- 5 Following an extensive review of taxi regulation in Northern Ireland the Northern Ireland Assembly passed a Taxis Act in 2008. The Act gives the Department of the Environment here the powers to make regulations to improve the taxi services. Improving access for disabled people is a key priority for the DoE (NI) and under the Act the Department can for instance set vehicle standards or make driver training a condition of driver licensing. The extent to which the DoE uses these regulatory powers will be influenced by the future regulatory frameworks of other jurisdictions in these islands.
- 6 Past experience illustrates that the only effective way of improving access to transport services for disabled people is through regulation. Part III and Part 5 of the Disability Discrimination Act has delivered huge positive changes in Northern Ireland and elsewhere improving access to bus, coach and train services. Conversely policy

approaches based on guidance only has a track record of being ineffective in delivering improvements to services. A good example of this is the DfT's own Code of Practice for the airports and airlines.

- 7 Taxis are key mode of transport for disabled people and older people. However there are a number of barriers which make using taxis difficult or impossible for disabled people including physical accessibility of vehicles. If Government in the United Kingdom are genuine about delivering equality for disabled people there must be a proactive approach to removing the barriers that prevent disabled people accessing taxis.

Comments on the DfT proposals

- 8 The issue of improving access to taxis has been ongoing since 1995. Clearly it is not in the interests of either disabled people or the taxi trade for there to be endless discussion on the way forward. Imtac welcomes the publication of a document that seeks to establish a clear way forward around improving access. As an organisation of disabled people we are keen that Government takes the strongest possible measures to ensure that disabled people can travel easily between different modes of transport including taxis.

Impact assessment

- 9 Imtac notes that the DfT has undertaken extensive consultation with the taxi trade and vehicle manufacturers in developing the impact assessment. There does not appear to have been a similar engagement with disabled people and their organisations. This contrasts with the approach taken by DoE in Northern Ireland during our review of regulation where engagement with operators was balanced with engagement with passenger stakeholders including disabled people and their organisations.

- 10 The impact assessment clearly indicates the potential cost to the taxi trade of the various options. The impact assessment also seems to give substantial weight to the qualitative feedback from operators and vehicle manufacturers. It is disappointing therefore that the DfT did not devote the same energy to quantifying the potential benefits to disabled people, society and Government of better access to taxis or to the gathering of qualitative data from disabled people and their organisations around the benefits of improved access. The Committee is concerned that overall the impact assessment lacks balance and over emphasises the negative impact of any change on the taxi trade.
- 11 Clearly the impact assessment must address economic impacts of regulation and other changes. However many issues around equality are often hard to justify on purely economic grounds. For example would rights around disability, race and gender ever have been introduced if judged purely on economic impacts. It is disappointing therefore that the consultation and impact assessment does not acknowledge wider Government policy around improving the life chances of disabled people.

Option one – Do Nothing

- 12 Imtac agrees with the assessment from DfT that the “do nothing” scenario is unlikely to deliver the improvements needed by disabled people. Clearly as an organisation of disabled people this is not an option Imtac could support in any way.
- 13 The Committee believes that the Department’s assessment of the potential longer term improvements to the accessibility of taxis under the “do nothing” approach is overly optimistic. The consultation document makes it clear that one of the drivers encouraging change currently is the “perceived need” amongst local authorities (and to an extent operators) to meet the requirements of the DDA. Clearly if in

future the vehicle accessibility requirements of the DDA are not be part of regulation then this incentive for local authorities and operators to improve services will be greatly diminished. This coupled with the overall reluctance of the taxi trade to improve accessibility (clearly illustrated by the impact assessment) makes the Departments future projections for improvements under the “do nothing” approach extremely suspect.

Option two – Pro-active programme of DfT led initiatives

- 14 Imtac has concerns about any approach based solely on guidance. These concerns are based on past experience that guidance has little or no impact in improving services. A good example of this is the previous guidance produced by DfT around access to air travel. Having said this guidance, used in conjunction with some regulation, can help local authorities and operators address wider barriers that prevent disabled people from accessing taxis. A good example of useful guidance could be for the DfT to develop a technical specification for the design of taxi ranks or training for taxi drivers.
- 15 Imtac welcomes the publication of the draft technical specification as this could potentially remove the uncertainty around future vehicle standards that has existed since 1995. The Committee does have doubts whether issuing the standard as an advisory note will be effective in improving levels of accessibility. We believe it will be welcomed and adopted by some local authorities that already have been proactive around accessibility to date and largely ignore by those authorities that have done little to date. As with previous voluntary guidance (such as the Code of Practice for airlines and airports) Imtac believes that the DfT should reserve the right to regulate on vehicle specification at a future date if a voluntary approach proves ineffective.

- 16 The Committee believes there are merits in the proposed demonstration schemes in the absence of wider regulation. Such schemes could be used to inform future developments around improving wider access to taxis and provide evidence based incentives for other operators and local authorities to do more to improve access to services. Demonstration schemes must look at addressing all the barriers that make using taxis difficult including vehicle design, driver training, incentives, infrastructure and the wider involvement of taxis in transport planning and service delivery. Disabled people must be involved in the development, delivery and assessment of any demonstration scheme. It would be beneficial in the absence of substantial regulation on accessibility that demonstration schemes are identified and progressed as a matter of urgency.
- 17 Imtac would encourage DfT and others to look in detail at any incentives (financial or otherwise) that will encourage operators to improve the accessibility of their services. As well as the initiatives listed more work needs to be done to ensure that local authorities and wider Government agencies use their purchasing powers to improve services. For example technical vehicle standards and driver training could be made a requirement for certain contracted services. Exploring the use and effectiveness of incentives could be incorporated into proposed demonstration schemes.
- 18 In addition to incentives it is essential that local authorities receive guidance around the strategic role taxis can play in local transport planning. By developing a clear strategic role for taxis in the delivery of local transport local authorities can factor in improved access for disabled people into any measures. For example taxis that meet certain vehicle standards and drivers who have received appropriate training could play a part in delivering demand responsive services. Guidance on the design of rank infrastructure would also be useful.

- 19 Imtac welcomes the proposal to commence Section 36 of Part V of the DDA placing a duty on drivers to assist wheelchair users, to carry them in safety and comfort and to not charge extra to do this. Clearly the potential benefits to wheelchair users of this proposal are diminished by several factors. Firstly is the availability of accessible taxis in their area, secondly is informing disabled people about these rights and finally is the effective enforcement of these rights.
- 20 Whilst Imtac is not opposed to alternative penalties there must be an effective deterrent to drivers contravening any regulation. In addition Government must send out a clear message that discrimination against disabled people is totally unacceptable. We are not convinced of the effectiveness of replacing a fine with the option of attending a disability awareness course as there is the potential for this to be misused as the soft option. Clearly any such proposal should be piloted and proved to be effective before being recommended for broader use.
- 21 Driver training is key to improving access to taxi services for disabled people. As with many organisations of disabled people Imtac can provide many examples of disgraceful discrimination by individual drivers against disabled people. Previously work was done in Northern Ireland to develop a Code of Practice for taxi drivers and offer a training course. Unfortunately the uptake of the course was extremely low and the Code largely ignored. This reinforces our view that any voluntary approach which encourages drivers to undertake training will simply not work. Clearly it would be preferable to encourage more local authorities to make training a requirement of licensing. Another measure that should be looked into is encouraging, through guidance, local authorities and other Government agencies to make disability awareness or Disability Equality Training a condition of contracting for delivering services.

- 22 Imtac is concerned about the quality and effectiveness of some of the training courses currently being offered to taxi drivers. Whilst much work has been done to assess the satisfaction of taxi drivers in areas where pilots have been operating there has been no work done with disabled people in these areas to assess if services have improved. It is the opinion of Imtac that any driver training course must be developed in conjunction with disabled people and should also preferably be delivered by disabled trainers. Perhaps such an approach could be looked at as part of the proposed demonstration schemes.
- 23 In the absence of overall regulation around access to taxis Imtac believes that there are clear benefits in regulating to ensure that accessible taxi services are available at key transport interchanges. This will enable disabled people to travel with confidence and take advantage of wider investment by Government in improving the accessibility of the transport system. As with previous comments we do not believe that guidance in this area will work – however supplementary guidance around training and rank accessibility would be beneficial.
- 24 Without overall regulation of taxis there will clearly be significant differences and inequalities between taxi services operating in different areas of the UK. Given this lack of consistency of service it is essential that better information is available about taxi services to ensure that disabled people can plan journeys.
- 25 Overall Imtac believes that there are merits in some of the proposals emerging from a DfT led programme of initiatives including using regulatory powers under sections 33 and 36 of Part V of the DDA. However overall the committee remain unconvinced that this approach will deliver the real change required to improve services for disabled people. We believe that option two will result in inequality in the provision of services across Great Britain and for this reason we

believe the DfT should retain the option to use further regulation at a future date.

Option three – Regulation

- 26 Intac acknowledges the difficulties in developing a vehicle specification that meets requirements of most passengers under Part V of the DDA. However any different approach will inevitably restrict access to taxis for many disabled people. The current wheelchair accessible taxi is not accessible to many people with larger wheelchairs and presents difficulties for disabled people with other impairments. Saloon vehicles have obvious restrictions for wheelchair users but DfT do not seem to recognise the limitations of saloon cars for many other disabled people with other impairments.
- 27 The initial specification, if made a regulatory requirement, would at least set a standard for the trade to work to and also ensure a level of consistency for disabled passengers. Clearly, however, a substantial number of disabled people would not benefit from this standard and would only benefit from the enhanced standard.
- 28 The Committee has examined the initial specification. One issue that has been raised by disabled people here is the issue of safety for wheelchair users when travelling. We note that the initial specification only requires vehicles to have “a wheelchair tie-down system and a wheelchair user restraint system”. This appears to be vague to say the least and we fear that safety for wheelchair users, drivers and other passengers could be comprised by interpretation of the initial specification.
- 29 One option that appears to have been dismissed by DfT is to specify two types of vehicles as accessible – a wheelchair accessible vehicle and a saloon vehicle with enhanced accessibility features. This is an

option we believe merits further investigation and research and could form part of a demonstration scheme.

- 30 The DfT rightly points out that issues other than physical access affect people's access to taxis. Having said this being able to get in and out of vehicle easily is a key part of using transport. Any solution that does not involve an element of regulation around vehicle accessibility will inevitably restrict some disabled peoples access to taxis. At the same time the Committee does acknowledge the potential danger of regulation in terms of reducing service levels through for example migration to private hire.
- 30 In weighing up the options Imtac is not convinced that any major improvements around access to taxis for disabled people can be achieved without some form of regulation around vehicle standards.

Conclusion

- 31 Imtac welcomes the opportunity to comment on the current consultation. The Committee acknowledges the difficulties involved in improving access for disabled people to taxis. The Committee also believes the lack of clear direction on this issue is not in the interests of the taxi trade and operators or disabled people. Doing nothing is not an option and regulation does pose real difficulties. However Imtac does not believe that an approach based on guidance alone will be effective in improving services. Imtac is supportive of regulation around rights for wheelchair users using taxis and provision of taxis at transport interchanges but we also believe that DfT should retain the ability to regulate at a future date if other measures fail to improve services.

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