

London Taxi Accessibility Wheelchair User Research

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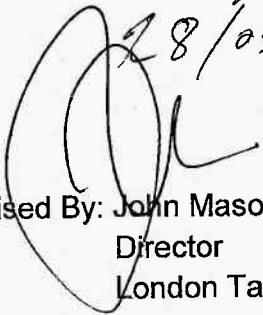
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1 June 2010

Director
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Executive Summary

The aim of this research is to determine how many people in London use wheelchairs which, when in use, cannot be safely carried in taxis currently operating in London. The research also seeks to understand to what extent those people would be materially assisted by having more accessible taxis available and what other alternative forms of transport are available to them.

The current Transport for London (TfL) Conditions of Fitness 2007 (CoF) document for taxis in London reflects the requirement for all taxi models to be wheelchair accessible and states, "Taxis offered for type approval must be so constructed as to facilitate the carriage of disabled persons and must be capable as a minimum of accommodating a disabled person in a DfT reference wheelchair in the passenger compartment."

TfL carried out a comprehensive review of the CoF in 2003-2005 and was aware that some people who used large wheelchairs could not access taxis. Since that time additional sections of the Disability Discrimination Act 1995 (DDA) have come into force, including section 49A of the DDA.

TfL is committed to ensuring that the transport needs of disabled people are appropriately met and for that reason has undertaken this research to gather the information it needs in order to address the matters set out in the DDA.

TfL will review the results of this research to determine whether it will undertake a further review of the CoF.

Since the review in 2003 – 2005, a High Court Judgement on 31 July 2009 quashed a decision by Liverpool City Council not to license the Peugeot E7, manufactured by Allied Vehicles, for use as a taxi in Liverpool. At that time Liverpool utilised the London CoF as a specification for taxis. However, unlike London, Liverpool City Council did not license the Mercedes Vito taxi, a vehicle with larger interior dimensions which can more readily accommodate larger type wheelchairs.

Liverpool's decision was held to be flawed by an error of fact (because it had been taken on the false basis that all "London-style taxis" were fully accessible to all wheelchair users) and contrary to section 49A of the DDA. Liverpool, in making its decision, had failed to have due regard to the needs of people who use wheelchairs larger than the "reference" wheelchair and who cannot access and/or travel safely in taxis.

This research was carried out by searching for quantitative and qualitative data through a review of existing literature and previous research work undertaken by TfL

and other organisations. Further data were sought by emailing and telephoning a wide range of stakeholders and included meeting disability representative groups.

All of the stakeholders in the quantitative and qualitative research were asked to respond to 4 specific questions set by TfL:

1. How many people in London use wheelchairs which, when in use, cannot be safely accommodated by taxis currently operating in London?
2. How many of those people would be likely to hail taxis on the street rather than pre-book?
3. What other means of transport are available to them?
4. To what extent they would be materially assisted by having a taxi fleet containing some accessible taxis?

In order to gain a deeper understanding of the issues TfL also asked disability representative groups if they would give a response regarding any other issues, as they perceived them, of wheelchair accessibility in London taxis.

TfL in its search for data regarding wheelchair users who cannot access or be secured safely in London taxis contacted 56 organisations most relevant and likely to have data relevant to this research, e.g. the Department for Transport (DfT) sets the accessibility standards for public transport in the UK, the Department for Health through NHS Primary Care Trusts and NHS Wheelchair Managers Forum issue wheelchairs throughout the UK, the Medical Devices Agency is the UK approval body for equipment such as wheelchairs. TfL also contacted specialists in this area such as Dial-a-Ride and Unwins Safety Systems, disability groups and other stakeholders. Of the 56 organisations:

- 20 are directly involved in disability or health related mobility issues
- 24 are Primary Care Trusts (NHS wheelchair services)
- 9 are Licensing Authorities from around the country
- 3 are Government bodies.

(See Appendix B for definitive list) 70% of the organisations contacted responded to TfL.

TfL also reviewed 48 documents (See Appendix A) as part of the research.

Previous research conducted as part of the TfL CoF review in 2003-2005 used statistics that determined the approximate total number of wheelchair users in London. Those previous statistics and methodology corresponded to recent figures supplied by the disability network organisation RADAR (Royal Association for

Disability Rights), which, when used with current population figures for London gave an approximate total figure for London wheelchair users of 110,500.

Those figures do not indicate what type (powered or manual), dimensions (larger or smaller than the DfT reference wheelchair), or design (bespoke or manufacturers' model) those wheelchairs may be.

There were no relevant recorded data found in any of the previous research or published documents TfL has reviewed, and the organisations contacted as part of this research are unable to provide specific data that may assist in establishing the number of wheelchair users as specified in the 4 TfL questions.

Despite the lack of quantitative data to answer the specific questions, the disability representative groups provided significant feedback on the issues as they perceived them. These issues included:

- generally poor level of service they receive from taxi drivers and claims that drivers regularly fail to stop for disabled passengers;
- claims that those drivers who do stop display a lack of overall disability awareness and poor disability etiquette;
- claims that those drivers who do stop are often unfamiliar with and therefore unable to make effective use of their taxi's accessibility features or equipment; and
- criticisms of the TfL complaints process as being difficult to use. If disabled passengers wished to make a complaint regarding drivers, vehicles or any other matter it was not clear whom to complain to, or complaints were not dealt with within an appropriate timeframe and feedback was not provided.

The disability groups also suggested that many disabled people would like the opportunity to hail taxis on street but claim they are unable to do so because they feel that the current taxi fleet is either not accessible to them or that once inside, their wheelchairs cannot be secured in a safe position.

There is also a clear view held by two of the disability groups TfL contacted (RADAR and Inclusion London) that TfL has barriers in place which prevent more accessible taxis from being licensed in London.

Alternative means of transport for people who use larger wheelchairs are comprehensive but some of the services are criticised for a lack of flexibility and spontaneity in comparison to taxis. The alternative services which are available to people who use wheelchairs are detailed in section 5 of this report.

Conclusions

The lack of statistical data regarding wheelchair users makes it difficult for TfL to quantify the numbers of wheelchair users who may, because of the size or design of their wheelchairs, have difficulty safely accessing and travelling in London taxis.

Disability groups, through meetings with TfL and responses to this research, have provided a strong case for other work to be carried out by TfL. They called for improved training for drivers regarding disability awareness and improved knowledge by taxi drivers of their taxi accessibility equipment.

Two disability groups also called for TfL to remove perceived barriers within the CoF which prevent the introduction of other accessible taxis. However, no statistical evidence was presented or identified during the research exercise to support the claim that the CoF presented barriers to access. In particular, there was no evidence to show to what extent anecdotal reports of wheelchair users being unable to access London taxis safely were attributable to the design of existing taxis, rather than lack of driver training in the use of the accessibility features of the taxis they already drive (which was consistently mentioned by some of the disability groups).

In addition, and further highlighting driver issues, the "Wheelchair User Experience Taxi Survey 2008" prepared by Lowland Market Research and presented at the High Court by Allied Vehicles as part of the case against Liverpool City Council; this report uses a small sample of 50 taxi journeys in each city and highlights the poor practices, standards and behaviour by drivers of those taxis in Manchester and London when dealing with passengers who use wheelchairs.

TfL, in partnership with disability groups, will seek to address directly the concerns identified by those groups as a priority. These will include the introduction, as soon as possible, of a mandatory driver disability training module for all taxi drivers in London; the module to cover such areas as the use of accessibility equipment on existing taxis as well as general disability awareness.

TfL will also work in partnership with the disability groups to introduce an improved, open and transparent complaints procedure allowing for easier access to that procedure for passengers with disabilities and providing improved customer feedback.

After careful analysis and having given due regard to both the research undertaken in the CoF review in 2003-2005 and the further research undertaken for the purposes of this report, TfL is not recommending that it should embark on a review of the CoF at this stage. The CoF were reviewed at some length between 2003 and 2005. The conclusion was drawn that they confer tangible and significant benefits on the travelling public, including disabled people as a group. That conclusion is, of course, not set in stone and any new evidence showing that the CoF caused serious

difficulties for wheelchair users would be an important factor that might cause TfL to revise its view. But any decision to revise the CoF would necessarily involve performing a balancing exercise between the needs of various groups (including people with different disabilities). Wheelchair users form one of these categories and in order to undertake the balancing exercise, it would be necessary to have a reasonably clear idea how many wheelchair users are disadvantaged by the current CoF.

TfL will continue to work in partnership with the disability groups to monitor formally and record the ongoing effect of the mandatory driver training and the revised complaints procedure. This will enable TfL to get a much clearer understanding of the number of wheelchair users for whom their current accessibility difficulties relate to the design of the existing licensed taxis instead of other factors such as driver training.

TfL will seek to improve, wherever possible, driver awareness and obligations and also increase the awareness amongst drivers and wheelchair users of the existing accessibility features of London taxis.

TfL will also continue to publicise widely the alternative accessible transport services available for wheelchair users (e.g. Private Hire Vehicles and London buses).

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Background

- 1.1 Following guidance from the Department for Transport (DfT) all taxis in London were required by Transport for London (TfL) to be wheelchair accessible with effect from the year 2000.
- 1.2 TfL conducted a comprehensive review of the Conditions of Fitness (CoF) for London taxis during 2003-2005 with a subsequent decision document published in December 2005¹. Sections 5, 6, 10 and 11 of the decision document are pertinent to the Disability Discrimination Act 1995 (DDA) where a variety of taxi models, vehicle ergonomics and associated issues regarding passengers with disabilities were explored. Extensive research studies were conducted as part of the review of the CoF: Human Engineering, Study C, Disability Consultation and Study D, Usability Trial. A revised version of the CoF was issued on 1 January 2007².
- 1.3 The government has not yet introduced legislative accessibility requirements that apply specifically to taxis other than requirements concerning the carriage of assistance dogs³. However the DfT is currently considering how best to address this transport mode either via regulation or some other approach. TfL has previously acknowledged (In paragraph 6.12 of the 2005 review decision document) that it will incorporate any requirement and recommendations made by the DfT into future CoF when known.
- 1.4 The current CoF 2007 document for taxis in London reflects the requirement for all taxi models to be wheelchair accessible and states in Part 2, para 5.2, "Taxis offered for type approval must be so constructed as to facilitate the carriage of disabled persons and must be capable as a minimum of accommodating a disabled person in a DfT reference wheelchair in the passenger compartment." (A definition of a DfT reference wheelchair is provided in Appendix D.)
- 1.5 Part 1, para 1.3 of the CoF states:

"Manufacturers should address any current guidance issued by the DfT for the design of taxis and indicate to the PCO the extent to which those guidelines have been accommodated.

In particular, manufacturers should demonstrate that they have taken account of current DfT guidance as regards ergonomic requirements for accessible taxis."

¹ TFL Public Carriage Office, CoF Reconsideration, Decision Document, 15 Dec 2005

² TFL Public Carriage Office, Conditions of Fitness 2007, 1 January 2007

³ Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc) (England & Wales) Regulations 2000 as amended by the Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc) (England and Wales) (Amendment) Regulations 2006

- 1.6 A High Court Judgement on 31 July 2009 quashed a decision by Liverpool City Council not to license the Peugeot E7, manufactured by Allied Vehicles, for use as a taxi in Liverpool; R (Lunt) v Liverpool City Council [2009] EWHC 2356 (Admin).
- 1.7 Liverpool's decision was held to have been vitiated by a material error of fact and to be contrary to section 49A of the DDA because it had been taken on the false basis that all "London-style" taxis were fully accessible to all wheelchair users. In fact, although those vehicles which Liverpool Council license as taxis are accessible to most wheelchair users, they are inaccessible to some wheelchair users whose wheelchairs, when in use, are larger than the standard "reference" wheelchair. Liverpool, in making its decision, had failed to have due regard to the needs of persons who use wheelchairs larger than the "reference" wheelchair. At that time Liverpool utilised the London CoF as a specification for taxis. However, unlike London, Liverpool City Council did not license the Mercedes Vito taxi, a vehicle with larger interior dimensions, which can more readily accommodate larger type wheelchairs.
- 1.8 During the previous CoF review published research, guidance and studies undertaken on behalf of the DfT⁴, the charity Ricability⁵ and Human Engineering⁶ (on behalf of TfL) detailed the potential ergonomic requirements of future accessible taxis, provided guidance for using wheelchairs on public transport and provided an assessment of the ergonomics of some of the existing London taxis in comparison to a range of potential alternative taxi variants. TfL, when it carried out its review of the CoF in 2003-2005 was, therefore, aware that the vehicles that then complied with the CoF were not accessible to users of larger wheelchairs⁷. However, those vehicles that did comply with the CoF were considered at that time (taking into account the previous research) to offer the best all-round performance when compared to other, alternative vehicles⁸. In addition, TfL, in considering any changes to the CoF as regards the accessibility features, ergonomics and vehicle dimensions, took account of the previous research carried out and was aware that there were then (and remain) competing requirements of disabled passengers, e.g. the visually impaired and the users of larger wheelchairs (paragraph 6.5 of the 2005 review decision document).
- 1.9 Sections 21B-E and 49A of the DDA did not come into force until some time after the TfL review was completed:

⁴ The Determination of Accessible Taxi Requirements. Richardson, ESRI & Yelding, Ricability. June 2004.

⁵ Ricability. Wheels Within Wheels; a guide to using a wheelchair on public transport. June 2005.

⁶ Human Engineering, Study D Usability Trial. December 2004.

⁷ TfL Public Carriage Office, CoF Reconsideration, Decision Document, 15 Dec 2005, para 6.11

⁸ TfL Public Carriage Office, CoF Reconsideration, Decision Document, 15 Dec 2005, para's 6.4 & 6.15

The relevant legal framework is contained within the following provisions of the DDA and the accompanying Statutory Codes as follows:

Disability Discrimination Act 1995 - Parts 3 and 5 and 5A and, in particular, sections 21B - 21E and 49A.

Disability Discrimination Act 2005

Statutory Code of Practice Provision and Use of Transport Vehicles

Statutory Code of Practice Rights of Access, Services to the Public, Public Authority Functions, Private Clubs and Premises

Statutory Code of Practice The Duty to Promote Disability Equality England & Wales

The General Duty

Section 49A places a duty on all public authorities, when carrying out their functions, to have due regard to the need to:

promote equality of opportunity between disabled persons and other persons to eliminate discrimination that is unlawful under the Act;

eliminate harassment of disabled persons that is related to their disabilities;

promote positive attitudes towards disabled persons;

encourage participation by disabled persons in public life; and

take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

This general duty came into force on 4 December 2006 and requires public authorities to adopt a proactive approach, mainstreaming disability equality into all decisions and activities. 'Due regard' means that authorities should give due weight to the need to promote disability equality in proportion to its relevance. It requires more than simply giving consideration to disability equality.

The Code of Practice⁹ on the equality duty recognises that it will not always be possible for authorities to adopt the course of action which will best promote disability equality so it is not an absolute duty. However, public authorities must ensure that they have due regard to the requirement to promote disability equality alongside other competing requirements.

The Code further recognises that authorities will not be able to fully review all aspects of their operations, and act to ameliorate all adverse impacts, in a single cycle of improvement. Rather this is a continuing duty on authorities, which should prioritise for review those aspects of their functions which have most relevance to disabled people. It will be of assistance to public authorities to involve disabled

⁹ Statutory Code of Practice The Duty to Promote Disability Equality England & Wales

people in this process of prioritisation and review.

The Code further states that the general duty requires authorities not only to have due regard to disability equality when making decisions about the future but to take action to tackle the consequences of decisions in the past which failed to give due regard to disability equality.

2 Research Objectives

- 2.1 TfL is committed to ensuring that the transport needs of disabled people are appropriately met and appreciates the extent of the disability equality duty, which extends further than a need not to discriminate but also includes positive duties. (A summary of TfL's obligations under the DDA legislation is set out above.)
- 2.2 TfL has conducted this research with the objective of ascertaining the number of people who use wheelchairs in London and, of that group, to establish the proportion of those who may not be able to access and travel safely in London taxis.
- 2.3 The research also sought to establish what alternative means of transport are available to those people and to seek to understand to what extent they would be materially assisted by having a taxi fleet which contained larger accessible taxis, and if those people would be more likely to hail a taxi in the street rather than pre-book.

3 Methodology

- 3.1 Research has taken the form of:
 - Quantitative analysis
 - Qualitative analysis

The quantitative research initially comprised a review of existing literature to identify any relevant work that may already have been undertaken, including research carried out by Public Carriage Office (PCO) as part of the 2003-2005 CoF review.

- 3.2 The organisations that have been consulted are those which TfL had reason to believe would have the required data to respond to the research objectives. These were; government bodies (DfT and others), organisations such as the Red Cross, associations such as RADAR (Royal Association for Disability Rights), NHS Primary Care Trusts, taxi licensing authorities from around the country, individuals (Bob Appleyard, technical adviser to Unwins Safety Systems) and other stakeholders, such as Dial-a-Ride, were contacted to enquire if they had conducted any quantitative research or if they held any research data relevant to this subject (see Appendix B for definitive list).
- 3.3 Similarly, the qualitative research included telephoning and emailing the wide range of stakeholders above and also meeting disability representative groups, to seek their views regarding the number of wheelchair users in London and the number of people who use larger type wheelchairs who cannot access and travel safely in London taxis.
- 3.4 All of the stakeholders in the quantitative and qualitative research were asked to respond to 4 specific questions set by TfL:
1. How many people in London use wheelchairs which, when in use, cannot be safely accommodated by taxis currently operating in London?
 2. How many of those people would be likely to hail taxis on the street rather than pre-book?
 3. What other means of transport are available to them?
 4. To what extent they would be materially assisted by having a taxi fleet containing some accessible taxis?
- 3.5 In order to gain a deeper understanding of the issues at stake TfL also asked disability representative groups if they would give a response regarding any other issues, as they perceived them, of wheelchair accessibility in London taxis.
- 3.6 Efforts were made to contact or meet stakeholders and any responses, positive or negative, were recorded. Where a response was not received a follow up telephone call or email was sent in order to encourage a response. (Refer to Appendices B and C for details.)
- 3.7 In order to comply with the requirements of the Data Protection Act 1998 ("DPA"), the following references have to be redacted in Appendix C:
- the names of individual contacts within the participating organisations who provided the responses set out in Appendix C,

- other personal details about some of these contacts which have no relevant bearing on the substance of their respective response,
- the names of individuals suggested by contacts in their response as possible alternative sources of the information being requested in the survey, and
- disability information about unnamed clients/users of some of the participating organisations who could potentially be identified from the specific context described

3.8 The DPA establishes a framework of rights and duties designed to safeguard "personal data". Personal data is information which identifies and relates to a living individual which is held or intended to be held in TfL's computerised or manual records (Section 1). Personal data is "sensitive personal data", where for example, it consists of information as to an individual's physical or mental health or condition (Section 2(2)). TfL considers it necessary to redact the above information in order to comply with the following requirements of the DPA:

- The First Data Protection Principle which requires that personal data shall be processed fairly and lawfully, and is not to be processed unless at least one condition specified in Schedule 2 is met (Schedule 1 Part I Paragraph 1(a)), and
- The First Data Protection Principle which requires that sensitive personal data shall be processed fairly and lawfully, and is not to be processed unless at least one condition specified in Schedule 3 is met (Schedule 1 Part I Paragraph 1(b)).

3.9 The contacts, in being asked to provide survey responses, did not reasonably envisage that their name and personal details would be published in the report. TfL do not consider it relevant or necessary to include the names and personal details of the individuals concerned as such information would not add to the substance, adequacy or accuracy of the report.

4 Review of existing research and publications

- 4.1 TfL reviewed 48 documents (listed in Appendix A) and contacted 56 organisations (see Appendix B for complete list) as part of the quantitative research; those organisations were also asked to consider the 4 specific questions set by TfL. Details of the responses are given in section 5 and Appendix C.
- 4.2 TfL conducted a comprehensive review of the CoF during 2003-2005 and extensive research studies were conducted as part of that review, including: Study C, Disability Consultation and Study D, Usability Trial; the final Decision Document was published in December 2005¹⁰. Sections 5, 6, 10 and 11 of the decision document are pertinent to the DDA and the provision of service to disabled passengers in particular. Section 5 explores the practical significance of the taxi turning circle to disabled passengers and found that it was useful for disabled passengers, with a quote from the disability organisation Royal National Institute of the Blind, "*a taxi that is well able to turn in the road to pick up effectively doubles a visually-impaired person's chance of getting a cab, as they are reluctant to cross the road because of the safety hazard*". Section 6 considered whether there would be advantages to disabled passengers if the turning circle requirement was removed and concluded, taking all factors into consideration, that there would not be advantages to disabled passengers by the removal of this element from the CoF; other elements of section 6, 10 and 11 of the decision document are explored in the paragraphs below.

¹⁰ TFL Public Carriage Office, CoF Reconsideration, Decision Document, 15 Dec 2005

4.3 Previous research carried out by TfL as part of the CoF review in 2003-2005¹¹ found that approximately 20% of Londoners have a disability of some kind and, of those, approximately 7.5% are wheelchair users.

4.4

The Office of National Statistics figures for 2007 for the population of London ¹² equate to approximately:		
Total Population London	Disabled	Wheelchair Users
7,366,000	1,473,200 (20%)	110,490 (7.5%)

¹¹ TFL Public Carriage Office, CoF Reconsideration, Decision Document, 15 Dec 2005, para 6.10

¹² Office of National Statistics London Population and Migration (2007) published 2009

- 4.5 These calculations correspond with figures supplied by the disability network organisation RADAR in their response to TfL's research questions in January 2010 where RADAR estimates 20% of Londoners are disabled and between 4% and 10% of those as being wheelchair users, (see Appendix C, 10). The wheelchair user figures may be further increased by visitors/tourists to London.
- 4.6 The approximate total figure of wheelchair users in London (110,500) does not, however, indicate what type (powered or manual), dimensions (larger or smaller than the DfT reference wheelchair), or design (bespoke or manufacturer's model) those wheelchairs may be.
- 4.7 Also, there were no recorded data found in any of the previous research or published documents TfL has reviewed, and the organisations contacted as part of this research were unable to provide specific data that may assist in establishing the number of wheelchair users as specified in the 4 TfL questions
- 4.8 The 2005 research as part of the CoF review considered the taxis licensed for use in London at that time and compared them with a variety of larger alternative vehicles and found that overall the existing London taxis were generally considered to offer the best all-round performance considering all dimensions equally (CoF decision document paragraphs 6.4 – 6.11, 6.15 and 6.17 and Human Engineering, Study D, Usability Trial). TfL, therefore, was aware that there was then (and remains) competing requirements of disabled passengers, e.g. such as the visually and mobility impaired and the users of larger wheelchairs. As regards larger alternative vehicles Human Engineering found, "*the enlarged compartment space is disadvantageous to mobile and visually impaired passengers due to the enlarged door-to-seat space that must be negotiated*" (paragraph 6.5 of the 2005 review decision document). TfL, when considering access to taxis recognises that a balancing exercise must be undertaken having regard to the needs of passengers with different types of disability, the 2005 review showed that the London taxi performed well against those competing needs. Paragraph 11 of the 2005 decision document explores the issue of larger taxis further and concludes that amending the CoF may not result in a significant increase in larger taxis; disabled passengers may then have to wait longer, either on the street or at a rank, for the right taxi to accommodate them.
- 4.9 Paragraph 6.11 of the 2005 decision document concludes that disabled passengers with particular needs, rather than waiting for a larger taxi plying for hire or arriving at the taxi rank, are likely to pre-book a specific type of vehicle either from the private hire vehicle sector or one of the other alternative transport providers in London (section 6 of this report). The decision document makes further reference to the private hire sector at paragraph 10.74 where it makes comment on the ability of passengers to pre-book this service and specify vehicles with specialist features for particular disabilities.

5 Contact with disability groups and other stakeholders

5.1 TfL contacted 56 organisations and authorities in total as listed in Appendix B:

- 20 are directly involved in disability or health related mobility issues
- 24 are Primary Care Trusts (NHS wheelchair services)
- 9 are Licensing Authorities from around the country
- 3 are Government bodies.

39 responses were received (70% response rate) and are detailed in Appendix C.

Responses

5.2 In summary, so far as TfL's first question was concerned, the organisations which responded were unable to provide any information/data on the number of wheelchair users in London who could not safely be accommodated in London taxis.

5.3 Turning to the other questions and issues of wheelchair accessibility in London taxis, the Spinal Injuries Association gave a particularly cogent and comprehensive reply, stating its case for equal access for disabled people (Appendix C, 15).

5.4 Disability representative organisations RADAR and Inclusion London, in their responses, called for TfL to remove barriers to entry to the London market of other accessible taxis and raised issues over the attitudes and lack of training of taxi drivers (Appendix C, 10 & 18).

5.5 Disability groups who did provide substantive responses raised issues of taxi driver behaviour in regard to their lack of knowledge regarding accessibility equipment in their taxis and lack of training displayed in disability awareness by the drivers in general.

Meetings

5.6 In addition to these responses, TfL had meetings with 3 of the disability representative groups:

- RADAR
- SCOPE
- Trailblazers

- 5.7 Below is a summary of the meetings:
- 5.8 It was difficult for any of the above organisations to give specific examples of wheelchair users who could not access and travel in safety and comfort using the current fleet of London taxis.
- 5.9 Each organisation did provide some general anecdotal examples of the above but could not support these with any factual evidence (e.g. documented complaints). However, each of the three organisations did provide some examples based on personal experience or the experience of family members who had been treated less favourably by taxi drivers because they use a wheelchair.
- 5.10 Issues of perceived poor taxi driver training, lack of disability awareness and disability etiquette were consistently expressed throughout the meetings.
- 5.11 When discussions about customer complaints regarding drivers, vehicles or any other matter were raised at the meetings, the general perception was that it was not clear whom to complain to or that complaints were not dealt with within an appropriate timeframe and feedback was not provided.
- 5.12 It was also clear from the meetings that each of the disability organisations had no knowledge of the TfL website Findaride page www.tfl.gov.uk/findaride with which people can search for private hire vehicle (PHV) operators in each borough which have accessible PHVs.
- 5.13 The disability groups (RADAR and Inclusion London) criticised TfL for putting barriers in the way of the licensing of other accessible taxis. However, no statistical evidence was presented or identified during the research exercise to support the claim that the CoF presented barriers. In particular, there was no evidence to show to what extent anecdotal reports of wheelchair users being unable to access London taxis safely were attributable to the design of existing taxis, rather than lack of driver training in the use of the accessibility features of the taxis they already drive.
- 5.14 RADAR and Inclusion London may also have failed to take into proper consideration the Mercedes Vito taxi, which can accommodate larger wheelchairs, and has been licensed for use in London since 2008.

5.15 One of the claims made by RADAR in their response to this research was not substantiated. RADAR made reference to the Lowland Report (which featured in the High Court action regarding Liverpool Council) where RADAR make claims that 96% of all wheelchairs carried in taxis in London are carried sideways and unsecured; this is clearly a misunderstanding by RADAR. The Lowland Report¹³ actually makes claims that 96% of all journeys undertaken in “*this study*” were carried sideways and unsecured. In London, this means 50 taxi journeys were considered for the purposes of the report.

6 Alternative means of transport

6.1 Part of the research included assessing what other means of transport are available to people who use wheelchairs and these are listed below:

6.2 Dial-a-Ride: has a fleet of approximately 360 buses of a variety of sizes which will accommodate most if not all wheelchair designs and passengers with both permanent and locomotion mobility difficulties (see Appendix C 7 for a description of the Dial-a-Ride service) Booking in advance only. Will complete circa 1.3 million passenger trips during 2009/2010.

6.3 Private Hire Vehicle Findaride web service: TfL website includes this service which enables users to identify PHV operators in specific boroughs who have wheelchair accessible PHVs. Up to 500 vehicles are available, split between 92 operating centres.

6.4 Community Transport Services: operates in most local London boroughs, providing a variety of assisted transport services.

6.5 Taxi card is a subsidised door-to-door transport service for people who have serious mobility impairment and difficulty in using public transport. Taxicard holders make journeys in licensed London taxis: Between April and September 2009, 893,364 Taxicard trips were made. 122,455 (13.71%) of those were by wheelchair users.

6.6 Capital Call is an assisted transport service that is provided in 10 London boroughs. It is subsidised by TfL through an allocated annual travel budget and is a pre-booked service that utilises PHVs.

6.7 Approximately 8,500 London buses are wheelchair accessible using DIPTAC guidelines regarding accommodating wheelchairs with the dimensions of the reference wheelchair.

6.8 Riverboats and all piers are wheelchair accessible and most newer river craft have dedicated wheelchair spaces.

¹³ Wheelchair User Experience Taxi Survey, Lowland Market Research, March 2008.

6.9 London Tramlink comprises 24 trams on three routes:

- 1: *Elmers End to Croydon*
- 2: Beckenham Junction to Croydon
- 3: New Addington to Wimbledon

Tram link: all access to trams is step-free. There is no need to use ramps or any other special features to board. You simply turn up and go. Additionally, all tram travel is free for wheelchair users, irrespective of whether or not they hold a Freedom Pass.

6.10 Docklands Light Railway: provides links between the City and East London, all stations have ramp or lift access. Platforms are designed to be as level with trains as possible for easy access. There are wheelchair bays and designated seats in train carriages.

7 Conclusions

7.1 All of the stakeholders in the quantitative and qualitative research were asked to respond to 4 specific questions set by TfL. In addition, in order to gain a deeper understanding of the issues at stake, TfL also asked disability representative groups if they would give a response regarding any other issues, as they perceived them, of wheelchair accessibility in London taxis and the answers to that question have been incorporated within the conclusions below.

7.2 The research questions which TfL asked were:

1. How many people in London use wheelchairs which, when in use, cannot be safely accommodated by taxis currently operating in London?
2. How many of those people would be likely to hail taxis on the street rather than pre-book?
3. What other means of transport are available to them?
4. To what extent they would be materially assisted by having a taxi fleet containing some accessible taxis?

7.3 TfL can broadly identify the total number of people who use wheelchairs in London. However, there were no recorded data or research data available within the various documents TfL reviewed. In addition, the organisations and authorities contacted were also unable to provide information on the number of wheelchair users in London who cannot access and travel safely in London taxis, as specified in question 1.

7.4 Without relevant information/data on question 1 it is very difficult to answer question 2. However, the Spinal Injuries Association gave a cogent reply to this question and it is included below:

“If a user of a larger wheelchair could be assured that they were likely, within a reasonable amount of time, to be able to hail a taxi that was accessible to their needs then there is no reason to think that they would use taxis in a different way from other passengers. The more familiar they became with this service and its availability, and the more their expectations of an accessible, hailable taxi service grew in consequence, the more likely they would be to hail cabs as the norm.

However, in the event that such accessible Hackney Carriages were few in number and unlikely to pass within a reasonable amount of time then it is likely these passengers would pre-book a taxi to ensure that they were able to travel as and when they chose. In such an event they would not be afforded the flexibility and spontaneity that others take for granted when using London’s taxi service.”

7.5 Details regarding the answer to question 3 are given in section 6 regarding alternative means of transport. Alternative means of transport for people who use larger wheelchairs are comprehensive but some of the services are criticised for a lack of flexibility and spontaneity in comparison to taxis.

7.6 The disability representative organisations RADAR and Inclusion London called for the removal of perceived barriers, which, in their opinion, prevent the licensing of other, potentially more accessible taxis. However, the CoF were reviewed at some length between 2003 and 2005 and the conclusion was drawn that they confer tangible and significant benefits on the travelling public, including disabled people as a group. No statistical evidence was presented or identified during this research exercise to support the claim that the CoF presented barriers. In particular, there was no evidence to show to what extent anecdotal reports of wheelchair users being unable to access London taxis safely were attributable to the design of existing taxis, rather than lack of driver training in the use of the accessibility features of the taxis they already drive (which was consistently mentioned by some of the disability groups).

- 7.7 In addition, and further highlighting driver issues, the “Wheelchair User Experience Taxi Survey 2008” prepared by Lowland Market Research and presented at the High Court by Allied Vehicles as part of the case against Liverpool City Council; this report uses a small sample of 50 taxi journeys in each city and highlights the poor practices, standards and behaviour by drivers of those taxis in Manchester and London when dealing with passengers who use wheelchairs.
- 7.8 The disability organisations may also have failed to take into account the Mercedes Vito taxi, which can accommodate larger wheelchairs, and has been licensed for use in London since 2008.
- 7.9 The disability organisations called for formalised disability awareness training for all taxi drivers; as noted above, throughout the research this issue was continually raised.
- 7.10 Having carefully considered the results of the research TfL is concerned that the issues of poor driver awareness of the accessibility features of the taxis they drive coupled with poor disability awareness and etiquette may have a direct and negative impact on the perceptions of disabled passengers as to the suitability and accessibility of the vehicles licensed as London taxis.

8 Outcome and Next Steps

- 8.1 Despite having consulted widely (56 organisations, including key disabled groups such as RADAR and Inclusion London, as well as the DfT and NHS Primary Care Trusts) the research was unable to determine how many people in London use wheelchairs which, when in use, cannot safely be carried in taxis currently licensed in London. There is, in particular, no information which indicates either the numbers of or the ability of users of larger wheelchairs to access the current London taxi fleet. This was the main purpose of the research exercise.
- 8.2 A number of issues were raised by disability groups during the review, in particular:
- Concerns regarding the poor level of service received from taxi drivers;
 - Claims that drivers regularly fail to stop for disabled passengers;
 - A general lack of overall disability awareness and disability etiquette amongst taxi drivers.

TfL accepts that these issues are of concern and they correspond with common reasons for complaint which TfL receives from disabled passengers.

8.3 Therefore, in direct response to these concerns TfL intends to:

- Implement a mandatory taxi driver training course provided externally and payable directly by drivers to the identified provider. The course will cover the use of the accessibility equipment on existing taxis as well as general disability awareness and etiquette issues.
- Implement changes and improvements to the current complaints process. The aim is to ensure that the complaints process is more open and transparent in order to ensure that disabled passengers have improved access to TfL to raise complaints; that all complaints are properly logged and investigated; and that complainants are provided with clear, detailed responses.
- TfL will seek to continue to publicise widely the alternative accessible transport services available for wheelchair users (e.g. PHVs and London buses).
- TfL will seek to improve, wherever possible, driver awareness of obligations and increase the awareness amongst drivers and wheelchair users of the accessibility features of London taxis.

8.4 While two disabled groups (RADAR and Inclusion London) called for TfL to change the taxi CoF and, specifically, to remove the taxi turning circle requirement, as they believe this prevents taxis becoming licensed that they feel could better meet the needs of wheelchair users, no evidence was presented or identified during the exercise to support this claim. In particular, there was no evidence to show to what extent anecdotal reports of wheelchair users being unable to access London taxis safely were attributable to the design of existing taxis, rather than lack of driver training in the use of the accessibility features of the taxis they already drive (which was consistently mentioned by consultees).

8.5 TfL conclude, that it should proceed to address the concerns identified by disability groups summarised in point 2 above in stages as follows:

STAGE 1 – Detailed proposal design

- 8.6 With immediate effect, TfL will engage in further discussions with the disability groups, who will be asked to help TfL to devise an action plan that seeks to address the concerns raised. TfL believe that many of the issues raised could be addressed through the implementation of a specifically designed, mandatory, taxi driver training course. The groups would also be asked to assist TfL in the revisions required to the complaints process and how best TfL can publicise the complaints process to disabled passengers.

STAGE 2 – Consultation

- 8.7 Any mandatory driving course imposed on taxi drivers, whether new or existing, would require detailed consultation with the taxi trade before the relevant requirements of licensing could be amended. Given TfL's obligations in respect of the DDA it would expect to consult the taxi trade on how, rather than whether, to introduce such a scheme.

Consultation of this nature would last around 12 weeks.

STAGE 3 – Implementation

- 8.8 While TfL will aim to implement changes that seek to address the concerns raised as quickly as possible, it should be noted that the timeline for implementation will be affected by statutory timelines required for consultation, any required ratification of changes to regulations or Cab Orders through the TfL Board and any required procurement activity.

STAGE 4 – Live operational running and review stage.

- 8.9 TfL will be proactive in monitoring the implementation and effectiveness of these proposals as part of an ongoing process. This will enable TfL to identify whether the changes are having the desired effect. Again, TfL would expect to continually engage with the disabled groups throughout implementation and the live operational running to monitor the impacts of the various initiatives. If the results of the monitoring reveal that, despite the changes, there remain significant issues or barriers to accessibility for disabled people (whether attributable to taxi design or otherwise), TfL will take all appropriate measures necessary to address these issues and barriers.

8.10 It will be apparent from the above that it is not recommended that TfL should embark on a review of the CoF at this stage. The CoF were reviewed at some length between 2003 and 2005. The conclusion was drawn that they confer tangible and significant benefits on the traveling public, including disabled people as a group. That conclusion is, of course, not set in stone and any new evidence showing that the CoF caused serious difficulties for wheelchair users (including in particular feedback to that effect from TfL's ongoing monitoring and improved complaints process) would be an important factor that might cause TfL to revise its view. But any decision to revise the CoF would necessarily involve performing a balancing exercise between the needs of various groups (including people with different disabilities). Wheelchair users form one of these categories. In order to undertake the balancing exercise, it would be necessary to have a reasonably clear idea how many wheelchair users are disadvantaged by the current CoF.

8.11 At present (even after consultation with disability groups and seeking input from organizations such as NHS trusts) TfL has no clear idea of this number. Monitoring the effect of the proposed mandatory driver training would enable TfL to get a much clearer understanding of the extent to which taxi design is responsible for the problems disabled people are reporting. At that stage, TfL will be much more likely to have the information it needs to carry out properly any balancing exercise that might be required, giving due weight to the needs of the various groups affected by it.

9 Appendices:

APPENDIX A

LIST OF DOCUMENTS REVIEWED

Document No	Title	
1	Alma Lunt/Allied Vehicles (V) Liverpool City Council	High Court Judgement
2	Disability Discrimination Act 1995 - Statutory Code of Practice Provision and Use of Transport Vehicles Statutory Code of Practice Rights of Access, Services to the Public, Public	

	<p>Authority Functions, Private Clubs and Premises</p> <p>Statutory Code of Practice The Duty to Promote Disability Equality England & Wales</p> <p>Disability Discrimination Act 2005</p>	
3	<p>Disability Rights Commission</p> <p>Provision and use of transport vehicles</p>	Statutory Code of Practice
4	Previous COF consultation	List of Disability Organisations
5	Pro Rider Mobility	Information on Mobility Class 2 Scooters
6	Mayors Transport Strategy	Taxi, private hire, coaches and community transport
7	RADAR	Policy for accessible taxis and private hire vehicles
8	Transport 08	Article 9 of UN Convention (Accessibility)
9	Trailblazers Report	Transport Report
10	Taxi Assessment 30 January 2003	Management Summary
11	City of Edinburgh Dept of Corporate Services	Review of Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers
12	City of Edinburgh Dept of Corporate Services	Licensing of Taxis Proposed Amendments to Edinburgh's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers
13	Lowland Report	Wheelchair User Experience Taxi Survey
14	<p>Public Carriage Office COF Review</p> <p>Human Engineering Decision Document</p>	Reconsideration of three aspects arising from the 2003 review of the COF for London taxis
15	Human Engineering Study C	COF independent review - Significance of the turning circle requirement - doors and window visibility for people with

		disabilities
16	Human Engineering Study D	COF independent review - Usability Trial
17	Taxi Evaluation - Disabled People 30/31 January 2003	Quantative evaluation of five vehicles
18	Office of National Statistics	London Population and Migration (2007)
19	Department for Transport - Consultation - Improving Access to Taxis	
20	Transport for London - Consultation Improving Access to Taxis	
21	Department for Transport - Review of Class 2 & Class 3 Powered Wheelchairs and Scooters (Final) (2005)	
22	Disabled Persons Transport Advisory Committee (DPTAC)	Attitudes of disabled people to public transport
23	Department for Transport - Review of Class 2 & Class 3 Powered Wheelchairs and Scooters (Summary Report) (2006)	
24	Department for Transport - Ricability Wheels Within Wheels (2005)	
25	Department for Transport - Ergonomic Requirements for Accessible Taxis	
26	Department for Transport - A Survey of Occupied Wheelchairs and Scooter 2005	
27	Department for Transport - Regulatory Impact Assessment - Disability Discrimination (Transport Vehicles) Regulations 2005	
28	Public Carriage Office - Introducing Competition into the London taxi vehicle market (2005)	
29	Department for Transport - Carriage of Mobility Scooter on Public Transport Feasibility Study	
30	Ergonomics Assessment of the Movement of Wheelchair Uses by Taxi Drivers: Health and Safety Laboratory, 13 Dec	

	2005	
31	A Survey of Occupied Wheelchairs to Determine that overall dimensions and weight. TRL 1999	
32	Accessible taxis: Comparing vehicles for accessibility. Corporate Access Group 2008	
33	DPTAC- Annual Report 2002	
34	An overview of the literature on disability and transport- Disability Rights Commission 2003	
35	Secondary analysis of existing data on disabled peoples use and experience of public transport in GB- University of Leeds 2006	
36	Disabled for Life? Attitudes towards and experiences of disability in Britain-DWP 2002	
ELECTRONIC DOCUMENTS		
37	Department for Transport	Transport Statistic Bulletin 2008
38	Department for Transport/TRL	The safety of wheelchair occupants in road passenger vehicles (2003)
39	Department for Work and Pensions	Experience and Expectations of Disable People
40	Transport for all	Transport for all (Web page)
41	Transport for London - Mobility Scooter Access to London Buses	Driver Guidance (2009) Other Users Guidance (2009) Scooter User Guidance (2009)
42	Office for Disability Issues	Access to Goods and Services
43	Department for Social Security	Disability in Great Britain - Results from the 1996/7 Survey
44	Government Equalities Office	Equality Bill (Web page)
45	Office of National Statistics	Labour Force Survey (2005)

46	Office of Public Management	Office of Public Management (Web page)
47	Transport for London	Assisted Transport Services In Greater London
48	ESRI & Ricability (undertaken on behalf of Mobility and Inclusion Unit of the DFT)	The Determination of Accessible Taxi Requirements, June 2004

APPENDIX B

LIST OF ORGANISATIONS CONTACTED

Total Contacted 56	Responses	No Response
1. Bob Appleyard (Technical Adviser Unwins)	✓	
2. Taxicard	✓	
3. Community Transport Association	✓	
4. Medical Devices Agency	✓	
5. National Wheelchair Managers Forum	✓	
6. Department of Health	✓	
7. Capital Call		X
8. Dial-A-Ride	✓	
9. Scope	✓	
10. The Association of Wheelchair Children	✓	

11. DIAL		X
12. RADAR	✓	
13. Focus on Disability	✓	
14. Department for Transport (DfT)	✓	
15. British Health Care Trade Association		X
16. Leonard Cheshire		X
17. Red Cross	✓	
18. Trailblazers	✓	
19. Spinal Injuries Association	✓	
20. TfL Travel Watch	✓	
21. RNID		X
22. Leonard Cheshire	✓	
23. Inclusion London	✓	
Taxi Licensing Authorities		
24. Edinburgh	✓	
25. Leeds	✓	
26. Luton	✓	
27. Burnley	✓	
28. Coventry	✓	
29. Leicester	✓	
30. Brighton	✓	

31. Birmingham	✓	
32. Manchester	✓	
National Health Service Wheelchair Services (Area)		
33. Barnet	✓	
34. Brent		X
35. Bromley		X
36. Camden		X
37. City & Hackney		X
38. Croydon		X
39. Ealing		X
40. Enfield	✓	
41. Greenwich	✓	
42. Haringay	✓	
43. Harrow		X
44. Havering	✓	
45. Hillingdon	✓	
46. Hounslow		X
47. Kingston	✓	
48. Merton	✓	
49. Newham	✓	
50. Redbridge	✓	
51. Richmond	✓	

52. Roehampton		X
53. Southwark		X
54. Sutton	✓	
55. Tower Hamlets		X
56. WhippsCross		X
Totals	39 (70%)	17 (30%)

APPENDIX C

ORGANISATION RESPONSES

1. Unwins Technical Adviser

Contact: [REDACTED]

Meeting

Briefly talked me through some of the chart in "A Survey of Occupied Wheelchairs and Scooters 2005 Doc. Emailing me an ISO draft document on wheelchair specifications etc. Also setting up a meeting with [REDACTED] (DfT) - Meeting setup for 15/12/09. The Wheelchair Accessible Vehicle Association is putting together a set of standards for the transport of wheelchairs in vehicles. Four questions asked - [REDACTED] suggested a number of other organisations that may be able to provide information - British Health Care Association - Day Health Care - Leonard Cheshire - Red Cross - National Wheelchair Manager Forum. [REDACTED] could not provide specific details on each of the 4 questions asked

2. TaxiCard

Contact: [REDACTED]

Email Communication

[REDACTED] informs me that a total number of 893,364 Taxicard trips were made for April-September 2009, 122,455 (13.71%) of those were wheel chair users. [REDACTED] has no information available for the number of wheelchair users that cannot be safely carried in taxis.

3. Community Transport Association

Contact: [REDACTED]

Email Communication

Meeting 15.12.09 cancelled. No meeting re-arranged. Called on a number of occasions 19th, 20th January for information no response.

4. Medical Devices Agency

Contact: [REDACTED]

Email Communication

[REDACTED] has no knowledge of how many wheel chair users there are in London that can access London style taxis. He mentioned a TRL Research Document titled (The safety of wheelchair occupants in road passenger vehicles), written to assist the [REDACTED] & [REDACTED] (Transport Technical & Standards Accessibility Branch) at the DfT in writing the revised legislation. He then sent a copy of the TRL report to us for information via email). [REDACTED] sent us a copy of the safety of wheelchair occupants report attached to his email of reply.

5. National Wheelchair Managers Forum

Contact: [REDACTED]

Email Communication

[REDACTED] who suggested we contact each Patient Care Trust wheelchair service individually

6. Department of Health

Contact:

Email Communication

Our ref: DE00000465025

Dear [REDACTED]

Thank you for your email of 3 December to the Department of Health about wheelchair use in London . I have been asked to reply.

I am afraid that the Department of Health does not hold the information that you require centrally. It is for local NHS wheelchair services to manage care in individual cases and direct their resources in accordance with local priorities and the needs of the communities to which they are accountable. As such, the number and type of wheelchair provided to service users varies according to local needs.

I would advise that you contact NHS London, which is responsible for the provision of healthcare services in London and may be able to provide you with the information that you require. Contact details are available on NHS London's website at www.london.nhs.uk/who-we-are/contact-us.

I hope this reply is helpful.

7. Dial a Ride

Contact: [REDACTED]

Email Communication

For simplicity I will relate a summary of all the points I believe I made in the phone call and a bit more.

1. DaR has a fleet of c 360 buses comprising:

a. 120 VW/Bluebirds – low floor bespoke minibuses. All have kneeling suspension and side and rear access ramps. Buses are 8 passenger and can be re-configured on the road between 1 wheelchair plus 7 seated and 3 seated plus 4 wheelchair/scooter, with various combinations in between.

b. 100 Mercedes Vito – 4 passenger vehicles with space for 1 wheelchair and 3 seated passengers. Some restrictions in relation to high wheelchairs and scooters which do not fit under the raised roof. Wheelchair access is via rear ramp, suspension lowers. Also passenger seats electrically lower and glide outside vehicle for ease of entry

c. circa. 130 Mercedes Sprinter. Van conversions accessed by side steps and rear lift. Can be configured on a range of capacity from all seating to combinations of seats/wheelchairs/scooters, depending on exact type of model. Need to be configured at depot before service on the day.

d. 8 Mercedes Vario – 15 seaters with side access via steps and rear lift access. Normally configured as full 15 seaters but can be re-configured on the day at depot to take wheelchairs. These vehicles generally confined to specific work in two areas of London

2. All vehicles have either lifts or ramps which have capability for 350kg (55 stone). This is known to satisfy our heaviest combination [REDACTED] with large electric wheelchair.

Our scheduling system holds personal profiles of members including mobility aids and if necessary suitable vehicles types – in respect of wheelchairs/scooters the only real restriction is large examples are unable to use Vitos. When I last looked at profile information we identified some 48 basic different types of wheelchair in use by members.

3. Dial a Ride is a membership only multi occupancy bus service for those who are unable to access mainstream public transport. C 51,000 members as at 1/1/10. Members need to book in advance, split roughly: Regular bookings 50%, next day bookings 47%, advance (time critical) and same day bookings 3%. It is believed that there is considerable commonality of membership between Dial a Ride and Taxicard, however we cannot be precise as London Councils do not let us have access to their membership records even though TfL funds the bulk of the service

DaR will provide c. 1.3m completed trips to members during 2009/10. We actually schedule around 11% more than this but we have high levels of last minute passenger cancellations.

4. I don't think that anyone has data on number of wheelchair/scooter users in the Capital. You could try speaking to [REDACTED] (Surface Strategy) as he may be able to dig up some estimations which could have been considered during the aborted TfL Door to Door Review a couple of years ago. In respect of DaR c. 20% of our membership comprises wheelchair/scooters users however they only undertake c. 14% of total completed trips on Dial a Ride. Couldn't even give you any idea of how many wheelchairs types in use; if you Google wheelchairs then manufacturers catalogue for the UK alone will give you 100s of different ones. In general my understanding is that for those individuals who are permanent

users of wheelchairs (as opposed to those with temporary use because they have just left hospital etc.) the wheelchair usually bespoke. Can't tell you how many users need to use DaR due to constraints of wheelchair on use of other modes of public transport vehicle. The principle points to consider are:

- a. DaR is free to the user and has been since January 2008, therefore why pay for a taxi (either fully or subsidised through Taxicard) if you can do your journey for free on DaR)
- b. The important part of DaR is that people cannot generally access mainstream bus services. Reasons include – no dropped kerbs between house and bus stop so cannot navigate wheelchair/rollator to bus stop, unable to wait at bus stop due to medical condition, unable to walk the c. 400 metres to a bus stop, security issues for vulnerable people accessing bus stops between home-stop in some residential areas.
- c. DaR drivers help users to and from their door including carrying baggage, a service that you would not get on mainstream taxis or buses etc. Can be a determinant of mode used because the user may be able to use a bus/taxi without problems but needs personal assistance to walk to and from

Real life observations of our members suggests to me that it would be extremely few, if any, wheelchair users who could not access a London bus due to the physical design of the bus itself – you may wish to see if [REDACTED] (LBSL) can provide you with any info on this. Scooters is a different issue as LBSL has a policy of not allowing such mobility aids onto the London bus network due to risk assessments and legislative requirements, again [REDACTED] could give you more details. DaR require that a users has to be able to transfer from the scooter to a seat once inside the bus in order to comply with legislative and risk assessment requirements.

8. Scope

Contact: [REDACTED]

Meeting

[REDACTED] to provide national stats - number of disable people and number of wheelchair users expecting information early 2010. Also suggested contacting the disability org Trailblazers - Follow up calls 19th,20th Jan - No response - 21.01.10

Telephone Communication

Telephone conversation with [REDACTED], he confirmed that the information we request through the list of questions was not available. He will confirm this in an email to us today (21.01.10)

9. The Association of Wheelchair Children

Contact: [REDACTED]

Email Communication

Good afternoon [REDACTED]

<http://www.wheelchairmanagers.nhs.uk/services.asp>

Above is the link to the Wheelchair Service Managers web site. If you contact them, they may be able to e-mail a mailing list of all of the Wheelchair Services in London who will be able to answer your questions.

10. RADAR

Contact [REDACTED]

Meeting

Meeting with [REDACTED] - 08.01.10 Background given to the research - If Radar were asked for recommendation. They would recommend the E7 for use in London - Issues raised by [REDACTED] were - having a vehicle where wheelchair users could travel in couples - Mercedes being a bigger vehicle over the LTI was seen as a big positive - If with our current fleet of taxis it excludes a significantly small number of wheelchair users this is negative - Many wheelchair users are invited to the capital for various activities, (Olympics) we should have taxis that offer everyone a choice - Wheelchair users with the highest need are getting the greatest exclusion - A big expansion of the taxi card would be positive - Dial a Ride do offer a service but it is not flexible enough to meet the immediate needs of wheelchair users who's plans might change at short notice and do not have the opportunity to change booking etc - Biggest complaint was the lack disability awareness of drivers with very negative attitudes towards wheelchair users - Questions were raised by Radar for the need to have a turning circle which limits the type of accessible vehicle and therefore limiting choice for wheelchair users - Radar were unaware of the PHV TfL website where specific accessible vehicle may be booked - Actions from meeting - We to email PHV link and contact details/procedure for making complaints - Radar to seek comments from membership on travelling experience using taxis specifically identifying if they have been refused for a giving reason - Radar have a national membership base of 950.000 - Contacts to follow up Inclusion London. Radar could not provide specific data on questions

Email Communication

Dear Colin and Alex,

Here is an initial submission from RADAR with our advice on how to respond to the Lunt judgement and related issues concerning taxi accessibility.

Disabled people make up around 20 per cent of London's population (1,526,000) – of whom between 4 per cent and 10 per cent are wheelchair users (61,040 – 152,600). And of course many more hundreds of thousands of disabled people and wheelchair users who live elsewhere in the UK will be travelling in and out of and around London in any one week, as well as wheelchair users from abroad. I am sure TfL used to do a travel report every year with data on journeys etc.

Now the vast majority of wheelchair users in the capital – some 96 per cent - predominantly travel sideways and unsecured in London cabs at great potential risk to themselves and their fellow passenger. We know this from survey evidence cited in the Lunt Case (see refs to the Lowland Report in the Lunt judgement) and I certainly know it from my frequent experience of hailing, booking taxis for and travelling with wheelchair users.) Why is this then?

- Drivers can't be bothered to secure people properly or don't know how to– and also often people are so relieved they've actually managed to catch and get in a cab they don't

want to cause hassle as they see it/or they may be in a desperate hurry and trying to explain things to a reluctant driver is going to delay them.

- A significant proportion find that London cabs simply don't have enough floor space for them to turn to fit safely and comfortably in facing the right way and wearing the correct seatbelt, also the floor rises to the side which doesn't help.

A further issue is that many wheelchair users experience barriers to independent mobility and independent living since there are no cabs licensed which would enable them to travel with more than one friend, colleague or family member.

Disabled people rely heavily on taxis to get around but we don't all have the same needs. Some of us manage fine with a TX style cab, others prefer a Mercedes and a significant minority need something bigger and more accessible in order to be able to travel safely or with more than one chum or colleague. We need better choice.

Now these issues cannot be satisfactorily resolved by signposting to other forms of transport and in any case even if there were viable alternatives (we submit there are not – certainly none that offer the freedom and flexibility taxis offer) the duties on public authorities under the DDA are geared towards optimising choice and access. As the Judge in the Lunt case confirmed, the duty to make reasonable adjustments to a taxi licensing policy is 'not...a minimal duty, but seeks broadly to put the disabled person as far as reasonably practicable in a similar position to the ambulant user of a taxi'. Remember a non wheelchair user can travel safely and securely with up to four other passengers in a standard London cab (5 in a Merc).

In the light of the Lunt Judgement and taking into account your duties under

- the DDA public functions provisions (s21E(2) DDA to take reasonable steps to ensure that your taxi licensing policy does not make it impossible or unreasonably difficult for disabled people to receive the benefit intended to be conferred) and
- the Disability Equality Duty (s49A DDA the duty to have due regard to the need to, amongst other things, eliminate unlawful discrimination, promote equality of opportunity for disabled persons and to encourage their participation in public life)

RADAR believes the onus must now be on TFL to remove barriers which prevent the E7 accessible taxi – and indeed any others which emerge as better meeting the needs of many wheelchair users - being licensed. We presume there will need to be an exemption from the turning circle requirements in the Conditions of Carriage to enable this. We are not aware of any compelling reasons for this not to be done.

We would like to point out that licensing a cab like the E7 would have significant benefits for many wheelchair users in the capital and their families: increasing choice and flexibility to travel where and when you want, increasing people's ability to participate in public life and stay safe. There is an important safety point here relating to other family members: every time my mother in law gets in a London cab with one of the family – often one of my children – they can't travel safely either so please consider these wider ramifications.

We further believe there is an urgent need for an awareness campaign and firm action to be taken on safe travel by taxi: all taxi drivers must have demonstrable competence to secure wheelchair users safely in their vehicle: sideways and unsecured is unacceptable.

There are lots of other myriad ways in which taxi services could be improved but time is short right now and the issues highlighted above are burning! We will most definitely want to drive up use of the complaints system which as you described is clearly under-used and I'll be asking for feedback on its usability/accessibility and perceived efficacy and ensuring our website has accurate details on how to make a complaint.

11. Focus on Disability

Contact: [REDACTED]

Email Communication

Hi [REDACTED]

I honestly don't know where you'll find the information your after. The National Statistics Office may have some information that may help you by pro rata of population but apart from an estimate I don't think the exact information is available. Focus on Disability is simply a website for contacts and info for all Disabled People in the UK.

12. Department of Transport

Contact: [REDACTED]

Email Communication

Email setting out brief background and list of questions Dear [REDACTED],

Thank you for your e-mail.

I have passed your e-mail to colleagues in the Department's Buses and Taxis Division and also the Statistics Travel Division but unfortunately, neither were able to offer any information which might help you address the questions that you ask.

I note that you are already aware of the CEDS report on wheelchair masses and dimensions. However, a further research project carried out on behalf of the Department for Transport undertook an assessment of accessibility standards. As part of this project some work was carried out on purpose built taxi designs which you might find helpful. If you are not aware of it already, the report can be found at the following link:-

13. Red Cross

Contact: [REDACTED]

Email Communication

Thank you for your email and at this time I am unable to help you, I am happy to forward this information to my colleague who is the Transport Co-ordinator for HDAR and can ask these questions to his users.

14. Trailblazers

Contact: [REDACTED]

Email Communication

During meeting we requested supporting data for recent research Trailblazers carried out on taxi accessibility - Other comments/concerns raised there is less of a problem with taxi access but bad experiences due to driver attitudes. Also the extra cost for wheelchair users -Lack of knowledge on the information provided on the TfL website with regard to PHV operators who provide accessible vehicles Supplied separate spread sheet with 7 returns

15. Spinal Injuries Association

Contact: [REDACTED]

Email Communication

Hi [REDACTED],

Please find attached SIA's response and also a copy of our taxi charter. Please let me know if you have any questions and also any conclusions you come to from the consultation in general.

The Spinal Injuries Association's (SIA) response to Transport for London's consultation on accessible taxis for users of larger wheelchairs

1. How many people in London use wheelchairs which are too large for taxis currently operating in London?

SIA does not have the data to answer this question, either for spinal cord injured (SCI) people or others who may need to use such wheelchairs.

2. How many of those who cannot access taxis operating in London would be likely to hail taxis on the street rather than pre-book.

If a user of a larger wheelchair could be assured that they were likely, within a reasonable amount of time, to be able to hail a taxi that was accessible to their needs then there is no reason to think that they would use taxis in a different way from other passengers. The more familiar they became with this service and its availability, and the more their expectations of an accessible,ailable taxi service grew in consequence, the more likely they would be to hail cabs as the norm.

However, in the event that such accessible Hackney Carriages were few in number and unlikely to pass within a reasonable amount of time then it is likely these passengers would pre-book a taxi to ensure that they were able to travel as and when they chose. In such an event they would not be afforded the flexibility and spontaneity that others take for granted when using London's taxi service.

3. What other means of transport are available to them.

Those people with larger wheelchairs that will not fit into a standard Hackney carriage in London have few alternative transport options. The standard wheelchair dimensions currently used in access design for modes of transport such as trains and buses is smaller than many of these larger chairs, meaning that these alternative options of travel are not available to them.

People who use larger wheelchairs are likely to be reliant on their own, personal vehicles, but will then face other issues such as the lack of parking opportunities, particularly in central London where the red route is in operation and there are tighter curbs on parking in areas such as residents' bays.

These wheelchair users may also use accessible private hire vehicles or community transport schemes where they exist, although such services may have limitations which do not offer the same freedom of travel as other members of the public receive from public transport provision in the capital.

4. To what extent would they be materially assisted by having a taxi fleet which contained some larger accessible taxis?

The retail, leisure and employment benefits of the capital should be accessible to all and not denied to this select group purely as a result of their disability. Due to the inaccessibility of all forms of public transport in London for users of larger wheelchairs, such people are reliant on personal vehicles for transport. However, this is not always practical, particularly due to the parking restrictions in central London.

Visitors to the capital will be further disenfranchised as they are likely to arrive by train and will find themselves with no means of travelling beyond the train station without access to public transport. They are also likely to find themselves at a disadvantage to London residents as they will be unaware of suitable private hire companies and are likely to be ineligible for any local transport schemes.

The UK's capital city should be accessible for all UK residents, regardless of their ability, and it is not acceptable that a public service cannot accommodate them in the 21st century.

5. Sia number of member groups nationally and in London

SIA is a user lead, membership organisation and the National Charity of people with spinal cord injury (SCI). We have 5,000 members and represent the views of the 40,000 people in the UK with SCI. Our membership in London, including those recently lapsed is 500, although these numbers are likely the result of the relative inaccessibility of the capital in general. Those who become SCI are likely to move out of London where a personal vehicle can afford them more independence. SIA's submission to this consultation represents not only the views of London residents, but also those of the home counties, and indeed the rest of the UK, who may find themselves regular visitors to the capital.

6. Any other information which you think may assist us with our research
I have attached SIA's Taxi Charter, which documents SIA's views on accessible Hackney Carriages.

16. Transport for London Travel Watch

Contact: [REDACTED]

Email Communication

[REDACTED] advised me that all available Licensed PHV Operators are listed in the Borough that the licensed Operators are listed in, and can be found via the TfL website. On further investigation via the Information & Marketing Department of the T&PH directorate, I was

advised that PHV Operators can apply to be on the Borough list if they wished but it was not compulsory. An internal email was then forwarded to me with a list of those operators that are listed.

17. Leonard Cheshire

Contact: [REDACTED]

Email Communication

Dear [REDACTED]

I am speaking with the rest of the Policy and Campaigns team and will get back to you as soon as I have any relevant information.

18. Inclusion London

Contact: [REDACTED]

Email Communication

Dear [REDACTED]

My apologies for the delay in getting back to you. I was off work with flu last week and have been catching up with a work backlog so far this week.

You do not make the context of your research clear in your letter, nor the timescale in which you need a response from us. On the latter, it would be helpful to know as the questions you ask are rather large ones and to respond with due seriousness would take us a little time.

On the former, while we are unaware of your specific motivation for doing this research at this time, we assume the Lunt judgement could be a factor. In any case, Inclusion London is aware of the Lunt judgement and strongly in favour of action by Transport for London to ensure that its policies in terms of taxi licensing and the taxi fleet are compliant with the judgement and therefore with disability discrimination legislation. Specifically, we believe that TfL need to remove the barriers which prevent the E7 accessible taxi (and any similar alternative vehicles) from being licensed for use in London.

The thrust of your question is about numbers: what numbers of people use wheelchairs that are too big for London taxis, how many would be likely to hail taxis on the street, and so on. We appreciate that fine tuning the numbers of fully accessible and safe taxis will be helped by some level of data. We are happy to spend time answering that question as far as the data allows (and given further information about your timescale). However, we would also urge TfL to avoid any tendency towards inaction based on a (we believe mistaken) belief that only a small number of people would be affected. Such an argument would not be an acceptable defence in law. Furthermore, we would remind you that the judge in the Lunt case specifically rejected that part of the defendant's argument that was that its taxi fleet was accessible to 'wheelchair users as a class', and ruled that there was a denial of access to a particular class of wheelchair users, such as Ms Lunt.

RADAR have also been in touch with us about this matter and let us know the gist of their response to you. We agree with the approach and arguments set out by [REDACTED] to you.

So, if you could take this letter as a first line response and let me know a timescale for responding further – or indeed if you would like to meet to discuss the matters – we would be very keen to pursue the matter further.

Yours sincerely,

[REDACTED]

18 b. Follow-Up Email Response from Inclusion London

Dear [REDACTED],

As promised, I'm getting back to you following our discussion on 11th.

Apart from what was in the first email to you, including the support we have for the position set out to you by RADAR, I'd just highlight that we believe there is an onus on TfL to take speedy action to remove any barriers which prevent the E7 accessible taxi (and any other vehicles that may better meet the needs of many wheelchair users) from being licensed and available for use in London. From reading various pieces of literature on this issue, we presume this may require an exemption from the turning circle requirements in the Conditions of Fitness. We see no reason why this should not take place.

This course of action is highlighted by the Lunt judgement and generally in light of your duties under the DDA public functions provisions and Disability Equality Duty.

Licensing a vehicle like the E7 would have benefits for many wheelchair users: addressing a barrier that currently exists, enhancing ability to exercise choice to travel, supporting disabled people's rights to travel with friends and family like all other people, and to travel safely and with dignity. This would be an addition to the existing taxi fleet.

With regard to the questions in your previous email. On numbers and demand, there is no reason to believe that the proportion of wheelchair users who need and would benefit from

a taxi like the E7 being available is any less in London than in Liverpool, for example. Indeed given London's size and other problems of transport access and availability together with the realities of London as a visitor destination, the proportions likely to require such taxis are likely to be greater. The Lunt judgement itself cited a 2005 survey by the Department of Transport Mobility and Inclusion Unit of '1356 occupants and devices' with wheelchair lengths from 775mm to 1604 mm which stated 'it appears that a few hundred users had a chair of over 1200mm in length' the latter being said to be the reference length for public transport purposes. The Lunt judgement said that the design specification of taxis approved for hire in Liverpool prior to the judgement were 'the London-style taxi developed in accordance with the requirements of the London Public Carriage Office' and referred to these as 'the London taxi' or the 'TX'.

With regard to the issue of safety, we draw attention also to other sources cited in the judgement:

The Lowland Report which was quoted as showing the overwhelming likelihood of wheelchair users in the survey to travel unsecured, uncomfortably, in the wrong direction of travel and with the wheelchair user likely to feel unsafe.

The 2003 London Transport Survey which showed that wheelchair users had to 'ride sideways to the direction of travel and without a safety harness'.

As means exist of addressing these issues, we believe they should be taken.

We do not think that the question of what other means of travel are open to people is particularly relevant: disabled people who are wheelchair users should have an equal choice to use taxis and to do so with friends and family, similar to other people. However, the problem of transport inaccessibility in London is well known. Most of the underground system is inaccessible to wheelchair users and the step-free access timetable has recently been put back; Dial a Ride has many problems of unreliability, inflexibility and unavailability; buses are now more accessible physically but are often practically inaccessible because of demand on the bus system; and so on. You mentioned issues of driver training and of course these should be addressed.

These wider barriers mean it is additionally important to take what steps are possible to make the taxi fleet as accessible as possible to the widest range of people, and in this case to many wheelchair users by licensing a larger, more accessible style taxi such as the E7 for use in addition to the existing fleet.

Thank you for the discussion and the information in our meeting. We are very happy to do what we can to move this issue forward to enhance the travel choices, equality and safety of disabled people so we look forward to hearing from you.

Best wishes,



19. Edinburgh Taxi Licensing Authority
Telephone Communication

No Research/impact assessment work being done – They are awaiting the outcome of the DFT consultation document “wait and see policy”

20. Leeds Taxi Licensing Authority
Telephone Communication

No Research/impact assessment work being done - No restriction on type of vehicle used may lead to a full review of their COF – A re- occurring and consistent theme is driver attitude, lack of disability awareness and training.

21. Luton Taxi Licensing Authority
Telephone Communication

Doing an internal consultation with drivers but this is not as a result of the Liverpool judgement (business as usual)

22. Burley Taxi Licensing Authority
Telephone Communication

An application from Allied to introduce the E7 is expected any time now. An impact assessment/review of the existing COF will be started in the near future

23. Coventry Taxi Licensing Authority
Telephone Communication

Have been approached by a wheelchair user, using a larger wheelchair as a result the following work is being done – consultation with wheelchair users – reviewing COF – awaiting outcome of DfT consultation document.

24. Leicester Taxi Licensing Authority
Telephone Communication

COF reviewed 3 years ago – No plans for any further work (did not know about Liverpool)

25. Brighton Taxi Licensing Authority
Telephone Communication

No research impact assessment work being done – No restriction on type of vehicle used

26. Birmingham Taxi Licensing Authority
Telephone Communication

No research impact assessment work being done – No restriction on type of vehicle used

27. Manchester Taxi Licensing Authority
Telephone Communication

Are doing some research/impact assessment which they started some time ago. [REDACTED] has agreed to send us some information from the outcome of a vehicle evaluation, which will be carried out 25.01.10. The vehicles involved are TX4 and Mercedes Vito licensed in London and Manchester and Peugeot E7, Mercedes M8 LWB and SWB models produced by Allied Vehicles. Using a large powered wheelchair each vehicle will be evaluated on how accessible it is. This work may lead to a full review of their COF – A re-occurring and consistent theme is driver attitude, lack of disability awareness and training.

Meeting

Further to the above, [REDACTED] attended the vehicle evaluation as observers; the event proved to be very informative. Proposing to share our research/evaluation outcomes with each other once published.

28. – 38. Summary of NHS Wheelchair Services
Email Communications

The National Health Service (NHS) wheelchair service provides services in each of the Primary Care Trust's. The role of the service is to assess the wheelchairs needs of referred patients for both permanent and locomotion mobility needs (non permanent, short term wheelchair users).

Through preliminary telephone communications/enquires it was clear that these services would only be able to provide us with local data, as a result the original questions were adapted.

The data summarised below includes all wheelchairs issued during the stated periods and although the data does not specifically answer the question "how many wheelchairs cannot access taxis, it does however, give us some idea of the number of wheelchair users. The data also demonstrates the numbers of wheelchair users in the London Metropolitan area is not static and indeed people with locomotion difficulties may still wish to continue using taxis as a choice mode of transport.

A total of 24 services were contacted by email and asked the following questions – The first question makes an attempt to gather total wheelchair users in London.

- The total number of wheelchairs issued in London last year from 1st April 2008 to 31st March 2009
- The total number of wheelchairs issued by your office last year from 1st April 2008 to 31st March 2009
- From the total number of wheelchairs issued how many were manual and electrical
- The dimensions/designs of wheelchairs issued
- Any other information which you think may assist us in our research

From the 24 services contacted 11 services responded

Summary of data:-

Total wheelchairs issued pan London during period 1 April 2008 – 31 March 2009

No Response

Total wheelchairs issued from each of the wheelchair services

7936

Total manual wheelchairs and total powered wheelchairs

Manual 7354 - Powered 582

Summary of dimension/designs

There was such a wide range of dimensions and as such it is difficult to formulate any concise data. However, using the data from Newham will give us some idea of the smallest manual wheelchair to the biggest and the same for powered wheelchairs.

Manual (smallest) 37.5cm(W) x 67cm (L) x 87cm (H) - Manual (largest) 100cm (W) x 125cm (L) x 138cm (H)

Powered (smallest) 56cm (W) X 94cm (L) X 91cm (H) - Powered (largest) 76cm (W) x 113 (L) x 96cm (H)

Any other information

Enfield

Our statistics remain very similar year on year. We receive approximately 600 new referrals every year. One of the problems our clients can experience when remaining in a wheelchair and using a Taxi is related to head height

Greenwich

Total wheelchair users in Greenwich 3394 - Greenwich would like to know if we are planning to implement training for taxi drivers in handling/loading/unloading wheelchairs from vehicles

Appendix D

DfT Reference Wheelchair



Reference wheelchair dimensions

- Total length 1200mm, including these extra long footplates, which make sure enough room has been allowed for your feet
- Total width 700mm
- Sitting height (from ground to top of head) 1350mm
- Height of footrest above floor 150mm

10 References

TFL Public Carriage Office, CoF Reconsideration, Decision Document, 15 Dec 2005.

TFL Public Carriage Office, Conditions of Fitness 2007, 1 January 2007.

Office of National Statistics London Population and Migration (2007) published 2009.

Wheelchair User Experience Taxi Survey, Lowland Market Research, March 2008.

The Determination of Accessible Taxi Requirements. John Richardson, ESRI and David Yelding, Ricability. June 2004.

Wheels Within Wheels, a guide to using a wheelchair on public transport. Ricability, June 2005.

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Conditions of Fitness Independent Review: Study D Usability Trial. (HEL/PCO/041095a/RT01) December 2004.