



Working together for a healthier Belfast

Response to consultation on Removal of the exemption for operators of transport services from Part III of the Disability Discrimination Act 1995

6 March 2009

Belfast Healthy Cities welcomes the opportunity to comment on this consultation.

Belfast Healthy Cities works to improve health and wellbeing in the city, by shaping and influencing healthy public policy and action. We are a partnership of key public, voluntary and academic sector agencies and have 20 years' experience of introducing new concepts and ways of working to improve health and wellbeing for people in Belfast and beyond. Belfast is also a leading member of the WHO European Healthy Cities Network, which has over 80 member cities across Europe. We understand health as an outcome determined by broad social conditions, and put particular emphasis on tackling inequalities in health.

We fully support the removal of the exemption. We believe this is an important step in ensuring people with disabilities can access transport on the same terms as people without, thus supporting their civil rights, coming into line with Section 75 requirements and ending lawful discrimination. Indeed, we believe it is important to bring the proposals into practice as soon as possible, and would urge expediting the development of "specific measures and initiatives" to enable this. We would also welcome more detail to clarify the Department's intentions in this regard.

Access to transport is an important element of health and wellbeing. It directly supports benefit by determining access to other services and, vitally, employment. More importantly, it indirectly underpins health, as it impacts on the extent to which people can lead active and independent lives and avoid isolation. In addition, access to leisure transport such as guided bus tours can further boost in particular mental and social wellbeing and quality of life. This is true for all population groups, but particularly so for people with disabilities and older people, who often face other barriers to independence and participation in society.

Belfast Healthy Cities' recent key areas of work have included healthy ageing, which in turn had transport as a central component. A workshop held in November 2008, in partnership with the Eastern Area Transport Forum (which Belfast Healthy Cities chairs) with older people highlighted a number of issues relevant to this consultation. These included drivers failing to kneel a bus or

stopping far from the kerb; concern over complaints procedures and customer care standards especially on public transport, and practical support (auxiliary service) provided to older people and people with disabilities. Overall, participants agreed that difficulties in accessing transport had a negative impact on their health and quality of life, and increased isolation for some older people. Meanwhile, changes such as audiovisual announcement systems on buses (or for the present drivers calling out stops when requested) or training ensuring that drivers consider needs such as extra time to find a seat, were felt to be straightforward measures that could go a long way towards improving access to transport.

We believe this underlines the importance of the removal of the exemptions, and urgent provision of guidance to transport providers. To ensure and promote the dignity of people with disabilities and older people, it is crucial that the duty to make reasonable adjustment is anticipatory. Indeed, we believe it is essential to place an expectation on transport providers to develop policies on meeting the needs of people with disabilities. This should include assessing the needs of people with disabilities, eg. when purchasing new vehicles or rolling stock, and where possible retroactively addressing any deficiencies identified.

We welcome Translink's revision to their Passenger Charter and the development of an access policy, which contains information on using services as well as information for customers with disabilities or mobility problems. We would encourage all transport providers to develop similar policies, and believe the guidance is an opportunity to set this out clearly. We are also aware that Imtac (Inclusive Mobility and Transport Advisory Committee) are undertaking work around accessible vehicle design, with a particular focus on vehicles used in taxi transport, Door2Door services and community transport. It would be desirable that providers are signposted to support of this nature as well.

We would welcome clarification on why no definition of 'reasonableness' is given. Also, while we appreciate that the legal framework must allow some flexibility this will vary depending on the size and resources of the provider, we would recommend that the guidance should set a minimum standard in terms of policies, practices and procedures as well as auxiliary aids and services. This would help create consistency and clarity for users. It would also avoid unintentionally creating inequalities between larger urban areas and more rural areas, which may be more likely to be served by smaller providers. Ultimately, the aim should be to give people with disabilities not only the right to challenge service providers when things go wrong, but the right to expect equitable service provision compared to people without disabilities.