



Northern Ireland
Assembly

**COMMITTEE
FOR THE OFFICE OF THE
FIRST MINISTER AND DEPUTY
FIRST MINISTER**

**OFFICIAL REPORT
(Hansard)**

**Provision and Use of Transport Vehicles:
Code of Practice**

12 January 2011

NORTHERN IRELAND ASSEMBLY

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DEPUTY FIRST MINISTER**

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Members present for all or part of the proceedings:

Mr Tom Elliott (Chairperson)
Dr Stephen Farry (Deputy Chairperson)
Ms Martina Anderson
Mr Allan Bresland
Mrs Dolores Kelly
Mr Danny Kinahan
Mr Francie Molloy
Mr George Robinson
Mr Jimmy Spratt

Witnesses:

Mr Bob Collins)
Ms Evelyn Collins) Equality Commission for Northern Ireland
Ms Deborah Howe)

The Chairperson (Mr Elliott):

We move now to the code of practice on the provision and use of transport vehicles. We will receive a briefing from Bob Collins, Evelyn Collins and Deborah Howe. You are welcome back. I invite you to make a 10-minute presentation, followed by members' questions. I remind you that the proceedings are being reported by Hansard.

(The Deputy Chairperson [Dr Farry] in the Chair)

Ms Evelyn Collins (Equality Commission for Northern Ireland):

We welcome the opportunity to discuss any aspect of our code of practice on the provision and use of transport vehicles and the provisions of the Disability Discrimination Act 1995. You will be aware that that 1995 Act was in several parts when it was enacted. Part I relates to definitions of disability; Part II relates to employment and occupation; Part III relates to access to goods and services; Part IV relates to education; and Part V relates to transport vehicles. Those parts of the legislation came into effect at different times in the intervening period. Most recently, the disability discrimination legislation was amended by way of regulations governing transport vehicles on 21 December 2009. That came into effect on 25 January 2010 and, indeed, we were very grateful that a number of members helped us to publicise the enactment of the legislation by being photographed on a Translink bus in front of Parliament Buildings.

The regulations make it unlawful for transport providers to treat disabled people less favourably than people without disabilities, and they require transport providers to make reasonable adjustments to policies, procedures and practices to ensure that disabled people are not disadvantaged or do not find it impossible or unreasonably difficult to access the services.

The code of practice that we have drawn up supplements an earlier code related to Part III, which relates to access to goods and services, because some aspects of transport companies services were covered by Part III. However, the overall aim of the code is to explain the changes to the law as they relate to transport vehicles and to provide guidance on good practice for service providers, legal advisers and people with disabilities on the scope of the regulations.

In advance of the legislation, we sought permission from OFMDFM to commence preparation and consultation on the draft code, as we were already well advanced with our work, and we wanted to build on the momentum that had been gathered around the introduction and publication of the regulations in that area.

The draft guidance was based on earlier guidance produced by the Disability Rights Commission in Britain because their legislation was introduced earlier there. We worked with local organisations, including the three relevant Departments that have responsibilities in that area, and with representatives from the Inclusive Mobility and Transport Advisory Committee (IMTAC), Translink, the Automobile Association and others to ensure that the code specifically relates to Northern Ireland. It was also subject to extensive public consultation from June to

September 2009.

The Equality Commission amended the draft code in the light of that public consultation and submitted it for approval to OFMDFM in October 2009. It was resubmitted in April 2010 in the light of comments received from the Department. We are very pleased that it has reached this stage, and we are keen to progress our programme of work to promote the use of the code, once approved. We have a programme of promotional activity planned to ensure that it is widely used by service providers, advisers, courts and individuals. That includes short guides to the law that will accompany the code of practice, which, in itself, will not impose legal obligations — the regulations impose the legal obligations — and it is not necessarily an authoritative statement of the law. It has a statutory basis, so, once approved, the courts must take into account any part of the code and the Part III code, which it supplements, that relate to any questions before the court that seem relevant to the court.

The Deputy Chairperson:

Thank you very much, Evelyn. To what extent has the Equality Commission become aware of problems in the transport sector? Can you give us a flavour of the type of issues that you have come across? Have you noticed any particular trends? For example, do public sector providers or private providers have particular issues that have been brought to your attention?

Ms E Collins:

Some issues relate to the type of vehicles that are in operation. We have worked extensively with transport providers in the public and private sector to ensure that they were ready for the new legislation, and I mentioned the date of enactment of the original disability legislation in 1995 and the successive implementation of its various Parts. We were aware of transport difficulties through that period and of people finding it difficult to access vehicles, being charged more, or being perhaps precluded from using certain types of vehicles. That is problematic, but the commission has not had a huge number of complaints about transport providers since the regulations came into being because it had such a long lead-in time. We built up training and raised awareness of the extent of the regulations in advance.

Mrs D Kelly:

I welcome the code of practice. Have people found it helpful, rather than being a burden, that the commission has provided information to transport providers and users, particularly in times of

recession?

I recall during meeting some time ago, when we looked at the regulations, that one of the issues concerned the attitude of employees on trains or other public transport towards people with disabilities. How is the perception that there are such prejudices being counteracted?

Ms E Collins:

Thanks, Dolores. I should have introduced Deborah Howe, who has been leading on that work. She will follow up on that. We have done an extensive piece of work with the transport providers, which I will log with the committee, to ensure that employees who work with people generally are aware of their obligations. We have included numerous examples in the code of practice of small, reasonable adjustments that individual staff can make to make things easier and to accommodate the needs of disabled people.

When the regulations were introduced, we also had a TV campaign and other advertising to raise awareness of the existence of the legislation. That was targeted at ensuring that individuals knew that rights had been extended in that area. From recollection, over a short time around the introduction of the legislation, we raised people's awareness from 31% to 58%. Therefore, the focus is to help those with responsibilities under the legislation and to ensure that they know that their staff must know that their new obligations are different from those that they previously had. We also aimed to ensure a good understanding was reached of what the regulations mean for individuals.

Ms Deborah Howe (Equality Commission for Northern Ireland):

We had taken steps with transport providers by providing training for all Translink inspectors and managers. When the regulations were enacted, we made short guides available that are aimed at specific sectors, so there was a guide for rail operators and one for bus operators. Enough guides were available for every member of staff to have a copy. Translink took its own steps to introduce more awareness training and attitude-based training.

Mrs D Kelly:

That seems a good result on the wider and larger public transport organisations, but a number of people are contracted out. They may use their own car as a taxi, so how do we get it down to that basic level? In the past, people would have learned that the Equality Commission had taken a

successful case against someone. It is preferable not to have that happen. Therefore, how will we get it right down to the individual contracted-out sole trader?

Ms Howe:

We took steps to try to make people as aware of the regulations and of the availability of guidance as possible. We placed articles in taxi magazines, and the North and West Belfast Taxi Association was involved in spreading knowledge about the legislation. The guidance that we produced was disseminated to quite a few sole traders, so very small firms got it. The guide was kept short so that it was available and taken up.

Mrs D Kelly:

It may be useful to involve the Driver and Vehicle Agency as an educational signpost to the Equality Commission.

Ms M Anderson:

I, like Dolores, welcome this very good measure. If someone with a disability still finds it difficult or impossible to access a service, what can they do once this is enacted? How could they challenge that?

Ms Howe:

This does not make any difference to what they can challenge because the disabled person already has rights. Those rights have existed since January 2010. Hopefully, the difference that the code will make is, if that happens, people affected will know to come to the commission for advice. That is the work that has been ongoing. We will be publicising the existence of the code, which should refresh in people's memories the fact that protection exists.

The difference that the code will make is that, if the disabled person has to go to court, they will have a guide that has statutory force. That will be helpful to the court and to any adviser that the person uses. It is also helpful to the transport provider in gauging whether the steps that they have taken go far enough to comply with the law. That is the help that it provides. There is an existing body of guidance, because we have a short guide to explain to disabled people what their rights are. We also put a section in it to illustrate the gaps in protection due to different licensing regulations, which mean that certain types of vehicles are not covered. That is the difference that it should make.

Mr Bob Collins (Equality Commission for Northern Ireland):

I would add this to what Deborah said: anybody who believes that they have been treated other than they should be under the terms of the new legislation may come to the Equality Commission to seek legal assistance in taking a case.

Ms M Anderson:

That is helpful, Bob. Thank you.

The Deputy Chairperson:

There are no further questions. I thank the representatives from the Equality Commission for their attendance and their answers. The Committee looks forward to seeing them again in the near future.