

Disability Awareness Training – Outcome of Consultation (Environmental Services, Robert Smith)

Synopsis of report:

This report is to inform the Committee of the results from the Consultation on mandatory disability awareness training for drivers and operators.

Recommendation(s) that:

- i) **Members consider the consultation and Officer’s recommendation and resolve whether mandatory disability awareness training for drivers and operators should become a requirement of licensing for drivers and operators; and**
- ii) **Should Members resolve that this must be a requirement, the Hackney Carriage and Private Hire Licensing Convictions Policy be amended as resolved and approved.**

1. Context and background of report

- 1.1 On 28 June 2022, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 took effect in England, Scotland, and Wales. It amended the Equality Act 2010 (the ‘Act’) to introduce new and amend existing duties for local authorities and hackney carriage and private hire drivers and operators alike.
- 1.2 A report was presented to this Committee on 27 September 2022 relating to amendments made to the Equality Act 2010 with respect to hackney carriage and private hire vehicles and private hire operators. Members can refer to that report for full details of the amendments.
- 1.3 The updated ‘Act’ imposes duties on all drivers of taxis or private hire vehicles and private hire operators which have been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person. From 28 June 2022, hackney carriage and private hire drivers and private hire operators; regardless of whether the vehicle is wheelchair accessible, became subject to the new duties under the ‘Act’.
- 1.4 Following the above report, it was decided that following a consultation this Committee would consider whether to make disability awareness training a mandatory requirement for drivers and operators.

2. Report

Consultation

- 2.1 A consultation took place between 4 October 2022 and 16 November 2022. The consultation was circulated as widely as possible and included the trade, public and disability groups/organisations. A blank example of the consultation notice is at Appendix ‘A’.
- 2.2 This consultation contained the relevant information and simply asked the question:

'Do you believe Runnymede Council should make disability awareness training a mandatory condition of licensing for all existing and new taxi drivers and private hire operators licenced by Runnymede Borough Council?'

Replies could be Yes or No, with an opportunity to make comments.

2.3 A total of 67 responses were received as follows: -

Drivers	27 responses,	3 Yes,	24 No
Operators	3 responses,	1 Yes,	2 No
Public	37 responses,	31 Yes,	6 No

2.4 A full breakdown of the comments made by respondees can be seen at Appendix 'B'.

Guidance

2.5 The current Department for Transport (DfT) publication 'Best Practice Guidance' (Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England) dates from 2010. This does not give any guidance on disability training.

2.6 Members will recall that the DfT has recently consulted on revised 'Best Practice Guidance'. This consultation closed on 20 June 2022 and revised guidance will be published in due course.

2.7 One of the areas within the revised 'Best Practice Guidance' was that of disability training for drivers and operators. This is copied below, but it should be stressed this is not current and it remains to be seen whether this will be in the final version of the revised 'Best Practice Guidance'.

Disability awareness

6.3 Drivers should be trained in disability awareness or have their knowledge and skills assessed. Drivers should also be encouraged, through targeted and general communications, to uphold the highest standards of customer service. The training or assessment should include but not be limited to:

- *The features of an inclusive, high quality service.*
- *Appropriate attitudes, behaviours and skills.*
- *Assistance that can be provided to all passengers.*
- *The protected characteristics, and related Equality Act 2010 duties.*
- *Understanding the different barriers that disabled people face when using taxis and private hire vehicles, and how they might be identified.*
- *The role of taxis and private hire vehicles in enabling disabled people to be independent and the role of drivers and operators in facilitating this.*
- *How to communicate with people with different communication needs. Taxi and Private Hire Vehicle Licensing 27*
- *How to assist people with a range of visible and less visible impairments.*
- *Supporting wheelchair users to board, alight and travel in safety and comfort whilst seated in their wheelchair.*

- *Legal obligations towards disabled passengers and the consequences of not complying with them.*
- *An assessment of the trainee's knowledge and skills.*

2.8 Whilst not 'guidance' the Councillors Handbook (Taxi and PHV Licensing dated July 2021) states the following under Disability and equality issues.

'The Equality Act 2010 sets out obligations for public bodies to advance equality of opportunity among people and eliminate discrimination. Councils should think about how they can fulfil this obligation in relation to taxi and PHV licensing. Although there are few specific requirements that councils must implement in relation to disability issues, the LGA encourages councils to go beyond what is strictly required by introducing wheelchair accessible vehicle lists and mandatory disability training for all drivers'.

Current disability awareness training drivers undertake

- 2.9 A number of Runnymede licensed drivers carry out school runs for Surrey County Council (SCC) and these drivers must undertake a disability awareness training course.
- 2.10 The SCC disability awareness training course is very much designed to deal with issues that are specific to home to school transport. Issues such as general accessibility of vehicles, or any other aspects of the 'Act', are not covered in any great detail.
- 2.11 The course covers topics such as how to deal with Autism, Epilepsy, learning difficulties (mild and severe), physical disabilities etc., all of which are common amongst the children SCC provide transport for. This also covers communications such as the appropriate language and actions to use with children with disabilities.
- 2.12 The drivers or the operator pay SCC £40 for each place on the course. This payment covers the cost of the outside training provider and the venue. All drivers who work on SCC home to school transport are required to complete this training within the first year of operating on routes. Each attendee is supplied with a certificate of attendance. There is no test at the end of it, therefore not a 'pass or fail'.
- 2.13 SCC are unable to state how many of the home to school drivers are licenced with any particular authority without delving into individual records which would be a time-consuming task for them.
- 2.14 Runnymede drivers and operators have been asked to let the licensing section know if they are carrying out home to school transport, 21 drivers have stated they do although that number could be higher.
- 2.15 Officers have considered the fact that some drivers have training with SCC and whether asking them to do further training could be seen as onerous and unnecessary. Officers do not believe this to be the case, whilst the training provided by SCC (2.13 and 2.14) is undoubtedly necessary it does not give any great detail on the duties as required by the Equality Act 2010. Without this knowledge drivers and operators will be ill equipped to carry out their duties.

Benchmarking

- 2.16 The amendments to the 'Act' are relatively recent so this has not been considered by all Councils. Some may already have had this as a requirement prior to the amended 'Act' as is the case with the three Surrey local authorities to date which mandate disability awareness training. These are Guildford, Spelthorne and Epsom & Ewell.

Training type and availability

- 2.17 Officers' research has shown there are three main providers of disability awareness training. All are experienced in providing the service and are well established. The course content for all providers is up to date with the latest legislation and costs in the region of £40 with any of the providers. All courses are taken online and take 2.5 to 4 hours to complete.
- 2.18 In researching training providers Officers consulted licensing colleagues and online resources. It transpired that only three provided the requisite training. However, other training providers may come to light in the future. Officers propose to carry out checks on these every 6 months and should new providers come to light and offer similar training to those already described they would then be added to our list of training providers.
- 2.19 Training providers were asked for examples of their course content and these with other information are shown at Appendix 'C'.

Officers Recommendations

- 2.20 The Senior Licensing Officer recommends that members agree to making disability awareness training a mandatory requirement. The Officer's view is that this training is-
- i) proportionate - the courses offered take a few hours to complete and are reasonably priced.
 - ii) appropriate – the Equality Act sets out specific duties for drivers and operators which are designed to enable transport for those with disabilities.
 - iii) necessary – to provide the best possible service to disabled users and ensure drivers and operators are aware of their duties. As per the Council's Constitution '*The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.*'
- 2.21 In addition to the above there is, as shown in the draft DfT guidance and Councillors Handbook (2.9 and 2.10) an emphasis placed on disability awareness training.

Options

- 2.22 In considering this matter, Members have several options open to them (although this list is not exhaustive):
- i) Make no change.
 - ii) Allow all current drivers and operators to use their own judgment and carry out training at their discretion.
- and
- make it a requirement of licensing that all new drivers and operators undertake a disability awareness course prior to a licence being granted.
- iii) Allow all drivers and operators (currently licensed and new applicants) to use their own judgment and carry out training at their discretion.
 - v) Make it a requirement of licensing that all existing drivers and operators undertake a disability awareness course by a fixed date in the future and make it a requirement of licensing that all new drivers and operators undertake a disability awareness course prior to a licence being granted.

2.23 In all cases where a requirement is made the Council should make it clear that refusal to take this training may result in any licence being refused, suspended or revoked.

3. Policy framework implications

3.1 Should Members resolve that this must be a requirement, the Hackney Carriage and Private Hire Licensing Convictions Policy will be amended as resolved and approved.

4. Resource implications

4.1 There are minimal resource implications arising from these proposals. These involve amending guidance notes and forms to include mention of this training.

5. Legal implications

5.1 In relation to hackney carriage and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976. These allow the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, and to refuse a licence to drivers if we are not satisfied that the drivers are fit and proper persons to hold a licence. They also allow conditions to be attached to licences (with the exception of hackney carriage driver's licences).

6. Equality implications

6.1 The Council has a duty under the Equality Act 2010. Section 149 of the Act provides that we must have due regard to the need to;

- a) eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act

- b) to advance equality of opportunity
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share protected characteristics.

6.2 We should at all times act in a way that is non-discriminatory through our policies and procedures and interactions with people.

6.3 The Council's Equalities Group has reviewed the screening assessment (Appendix 'D') and agrees that a full impact assessment is not needed and that our duties under the Equality Act have been fulfilled.

7. **Other implications**

7.1 The Council would not be entering into any contracts or be involved in a procurement process should members decide in favour of this training. The Council would be in a position to point drivers and operators in the direction of training providers via the application process but would take no part in any administration or setting up of courses.

8. **Timetable for Implementation**

8.1 Should Members decide in favour of this training a date by which all existing hackney carriage and private hire drivers and private hire operators must complete the training should be decided upon. Officers would suggest that this be sooner rather than later, and that a period of 6 months is sufficient.

(To resolve)

Background papers

Statutory Guidance – Access to taxis and private hire vehicles for disabled users
[Access to taxis and private hire vehicles for disabled users - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/access-to-taxis-and-private-hire-vehicles-for-disabled-users)

Equality Act 2010
<https://www.legislation.gov.uk/ukpga/2010/15/contents>

Councillor Handbook
[Councillor Handbook: Taxi and PHV Licensing | Local Government Association](https://www.local.gov.uk/councillor-handbook-taxi-and-phv-licensing)

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022
<https://www.legislation.gov.uk/ukpga/2022/29/enacted>

Runnymede hackney-carriage-and-private-hire-licensing-policy
<https://www.runnymede.gov.uk/downloads/file/572/hackney-carriage-and-private-hire-licensing-policy>

