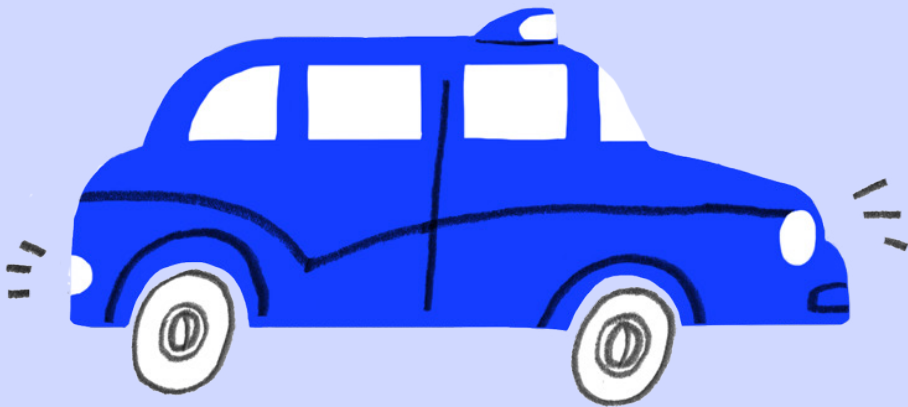


Disability Justice Project
Discrimination guide

Public transport



About this guide

We experience discrimination on a daily basis. Many of us don't always realise that what is happening is against the law, when others feel unable to do anything about it.

That's why we put this guide together.

This guide covers what to do if you have experienced difficulties using public transport or taxis. Please refer to our other guides for support when you:



[have difficulties with physical access, getting into buildings, lack of accessible toilets](#)



[have difficulties getting information in the format you need](#)



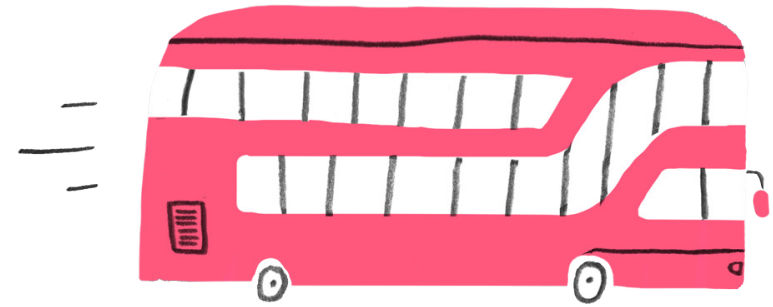
[cannot get adaptations made to your home](#)



[have difficulties accessing public engagement and consultations](#)

These guides look at specific problems Disabled people experience. They will help you to identify whether you have experienced discrimination and will take you through the process of challenging discrimination step by step. You will find template letters you can use, practical tips on collecting evidence and sources for further information and advice.

The law has prohibited discrimination against Disabled people for more than 20 years, and yet we still face many barriers and sometimes find it impossible to access services. This is largely because it is left up to us to enforce this law. By taking action to combat discrimination, you aren't only making changes for yourself: you are improving things for other Disabled people.



Public transport

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What the law says

The Equality Act 2010 says that companies that provide public transport services, such as buses, trains, the underground and taxis cannot discriminate against Disabled people and requires them to take steps to make their services accessible for Disabled people.

If you find it difficult or impossible to access public transport, it may well be that your rights under the Equality Act have been breached. You can challenge this and if you do, it can make difference not only for you, but for many other Disabled people.

Below we will look at some of the difficulties Disabled people have when using different types of public transport and what to do when things go wrong.

This section covers these examples:



[Failed assistance on trains](#)



[Unable to get on a bus](#)



[Taxi driver did not let me in because of my wheelchair, guide dog or mobility scooter](#)

I did not receive assistance on a train journey

I was not able to take a train or was unable to get off the train at my stop because there was no one to assist me.

Rail companies are required by the Equality Act to make reasonable adjustments for Disabled people to ensure they can use their services as everybody else. This includes assistance to get on and off the train, to find your way around the station, to buy or collect tickets, assistance to find your seat or to find out where to go. The assistance that is provided has to be effective and provided in a way that respects your dignity and independence. The fact that you need assistance should not always mean that you can be delayed or your journey should take longer.

All rail companies must have a system that allows you to book assistance. This system needs to be easy to use and free. The system also needs to be reasonable; for example, if you need to book assistance in advance, the

amount of notice you need to give should be quite short. A company must provide assistance if you have booked it. In many circumstances it would also be reasonable to expect assistance to be provided for people who did not book it, especially if there is station staff who can do it. Whether it is reasonable or not will depend on staffing levels, physical accessibility of the station and other factors, for example a busy station with a lot of Disabled passengers should provide assistance without you needing to book because they know there will be Disabled people travelling every day.

If the station is so inaccessible that you won't be able to board the train even with assistance, the reasonable adjustments duty may mean that the rail company should help you to get to the nearest accessible station where you can be assisted. The fact that you need assistance should not mean you are automatically delayed or have less choice of when to travel.



[Use our template letters](#)

I had difficulties travelling by bus

I was unable to get on or off the bus because the wheelchair space was occupied, the bus did not stop for me, or audio-visual announcements or a ramp was not working.

The Equality Act requires bus companies to take steps to ensure Disabled people can get the same service as everybody else by making reasonable adjustments for Disabled people. The steps the bus companies have to take include:

- ensuring there is physical access, for example operating a ramp, or stopping the bus so it is safe for you to exit
- having priority spaces and seats for Disabled people and taking some steps to ensure those are freed for Disabled passengers when needed
- ensuring you know or can find out where you are and when your stop is.

In 2017, in the case of *Paulley v FirstGroup PLC*, the Supreme Court confirmed that it would be reasonable for a driver not only to ask other passengers to free up a wheelchair space, but that they should find out why if they do not do so. If, in the driver's opinion, they could easily move to another part of the bus, the driver should take further steps to persuade them. This could include rephrasing the request as a requirement or refusing to drive on for some time. Therefore, the bus company's policy should at least require the driver to take all those steps.

Reasonable adjustments that are already made, such as ramps or audio-visual announcements should be in working order and the bus companies should take steps to fix them promptly.

Any adjustments that are made should respect your dignity and encourage your independence.



[Use our template letters](#)

The Equality Act 2010 requires bus companies to provide their service in a way that does not discriminate against you because of something connected to your disability, unless they can give a good reason why they are doing it and can show that this is the only way to achieve their aim. For example, if the driver stops the bus too far from the bus stop and you can't see it or the driver switches off audio-visual announcements or stops the bus in a way that makes it impossible for you to get on or off.

The bus company is responsible for the actions of its drivers. They must make sure that their drivers do not discriminate against anyone. The company can be liable for the discrimination you experience as a result of the driver's behaviour.

If you have experienced any of the problems below, it is most likely that the bus company breached your rights under the Equality Act:

- the wheelchair space was occupied by non-Disabled people or buggies and the driver did not do anything to help free the space for you
- you needed priority seats which were occupied by non-Disabled people and the driver did not do anything to help free them up
- the driver did not operate the ramp
- the bus did not stop for you or you were not allowed on the bus and you think this was because of something connected to your disability
- you missed your stop because the driver forgot to alert you.

I had difficulties travelling by taxi

A taxi driver refused to take me because of my guide dog or because I use a wheelchair or mobility scooter.

Taxis or minicab companies provide services to the public and therefore they must not discriminate against you and should make reasonable adjustments for you under the Equality Act 2010.

If a taxi driver does not let you use their taxi because you have a support dog – and they cannot give you a good reason for doing so – they are acting unlawfully. A service provider can only deny a service because of something connected to your Disability if they can show they are doing it for good reason, for example if a driver has a severe dog allergy and contact with a dog would threaten their health. However in this case the driver should have applied for an exemption in their licence.

Since April 2017 the provisions of the Equality Act that give extra protection to Disabled wheelchair users who travel by taxi have been in force. Taxi drivers now face a £1,000 fine for refusing to take a wheelchair user, failing to assist a wheelchair user, or charging them more. But this provision only applies in the local authority areas where councils have put together a designated list of wheelchair-accessible taxis.

If you are a wheelchair user who has had problems travelling by taxi, first check if your local authority in the area where you travelled has such a list. If they do, read on and follow the steps below. If they don't, you may consider asking them to create a list of wheelchair accessible taxis. This could make a huge difference, not only for you, but many other Disabled wheelchair users who live or travel in the area.



[Use our template complaint letters](#)



Doug Paulley's suggestions and templates: www.kingqueen.org.uk/s167

What you can do if things go wrong

If you face any of these challenges when travelling, you can make a complaint to prevent the same situation from happening again. Your complaint could potentially lead to changes that will help many other Disabled people.

In many cases the company will be in breach of the Equality Act and you will be able to take them to court. In this guide we call it taking a legal action.

This section covers:



[The differences between complaints and legal action](#)



[Collecting evidence](#)



[How to make a complaint](#)



[How to write a letter before action](#)



[How to take legal action](#)

Differences between complaints and legal action

	Complaint	Legal action
Issues you can raise	Any issues relating to a specific incident or problems experienced over a long period of time	A specific incident when you think the company did not follow the law
Potential outcomes	<ul style="list-style-type: none"> • An apology • A commitment to improve service • An explanation of why things went wrong 	<ul style="list-style-type: none"> • An order that you were discriminated against and that the defendant should not do it again • A monetary compensation • An order that defendant changes its provision (an injunction)
Risks	No financial risk	Potential financial risks, but there are ways to minimise them
Process	Company's complaints procedure	Civil Procedure Rules
Time	No time limit, but as soon as possible	Within six months, but as soon as possible

It is always worth making a complaint regardless of whether you are thinking of taking legal action or not. Good companies that care about their customers monitor complaints and use them to make improvements.

We have created a template letter, which explains to the company how their actions breached the Equality Act, which you can use. Your complaint could help the company realise that they are acting unlawfully. By making a complaint you may get a better understanding of what the company's position is. They are likely to explain to you why things happened the way they did, and help you sort out the problem without needing to take legal action. If you have already started legal action, you usually would not be able to raise the same issue through a complaints process.

However, you don't always have to make a complaint before starting legal action. You can send a 'letter before action' (the first step in a possible court case) instead of making a complaint. This may be taken more seriously and the company is likely to respond by giving you the information you need to decide whether or not to continue with legal action. The purpose of a letter before action is different from a complaint letter; not only are you letting the company know what went wrong, it also indicates that you will be prepared to go to court if they don't make things right. Some people on low incomes or benefits can get free legal advice to help you write your letter before action. There is no financial risk in sending a letter before action.



Civil Legal Advice will put you in touch with lawyers who can help you
www.gov.uk/civil-legal-advice



[Use our template letters](#)

Collecting evidence

It is important to collect evidence if you decide to take legal action or make a complaint. Collect evidence on the spot, make a note of the date and time, and if possible take pictures or make a video on your phone.

If you missed a connection, were late for a meeting, or felt upset about how you were treated, it can be important to have noted this down, or recorded something on your phone the day it happened, so that you don't forget. It also helps you to explain to the company, or a judge if your case goes to court, what it feels like to be discriminated against in this way.

If you are dealing with a member of staff ask for their name. If there are people who witnessed the incident and are willing to support you in challenging this, make sure to get their contact details.

You have a right to get a copy of all information a company has on record connected to your name or your image. This includes all the records about you, your tickets, CCTV footage, and records of phone calls you made. You can use this right to help you collect evidence. If you are asking for CCTV footage of the incident, do it as soon as you can. If you leave it too late, it may no longer exist.

In your complaint letter, you can also ask the company to send you their policies, procedures, and details of the training their staff received.

Collecting evidence about a bus journey

Write down or take a photo of the vehicle number plate as well as the bus operating company's name and address, which will be written on the outside and sometimes inside the bus.

Collecting evidence about a train journey

Ask for a copy of the records on Passenger Assist, CCTV footage of you and any reports from the staff.

Collecting evidence about a taxi journey

Write down or take a picture of the vehicle number plate and the driver's licence number. You can find the driver's licence on a white plate on the rear of the vehicle or on the inside of the passenger compartment. The licence number normally consists of five digits.

Drivers are required to display their licence badge at all times and must present the number if asked.



Useful information about your rights under the data protection legislation and on how to make a Subject Access Request, including a template letter you can use:

<https://ico.org.uk/your-data-matters/your-right-of-access>

How to make a complaint

1. Find out who to complain to

2. Write a complaint letter

3. Ask for the evidence you need

4. Chase for a response

5. Consider further action

1: Find out who to complain to

It is important to identify the right company to complain to. Each organisation should have its own complaints procedure. It will tell you where to send your complaint to and the time it takes to deal with your complaint.

If you were travelling by bus

- in London, complaints should be sent to Transport for London (if you want to ask for a CCTV footage alongside your complaint, we advise to request it from the bus company directly)
- outside of London, complaints should be sent to the bus company operating the service

If you were travelling by train

- if you needed assistance on the train itself, contact the company you travelled with
- if you needed assistance from station staff, contact the company operating the station
- if you are not sure, send complaints to all companies that are involved – this will help you to establish whose actions caused discrimination



[Use our template complaint letters](#)

If you were travelling by taxi

- in London using a black cab, complaints should be sent to Transport for London – TfL is responsible for licencing taxi drivers and can take action if they breach conditions of their licence
- outside of London using a taxi, send complaints to your local authority as they are responsible for licencing taxi drivers
- if you used a minicab, you should complain to the minicab company first
- if you used an app, such as Uber, you should complain to the company operating the app you used

2: Write a complaint letter

You can use our template letter to write a complaint. Try to do it as soon as possible.



[Template chasing emails](#)

3: Ask for the evidence you need

You can do this in your complaint letter or separately. This can include CCTV footage, records of phone calls you made to book assistance, any reports about the incident completed by the driver or staff.

4: Chase for a response

If you do not get a response within the time stated in the complaints procedure or within the time you indicated in your complaint letter you will need to chase for a response. You can do it by sending an email or phoning.

There may be different scenarios to follow:

- You will get a response and you are happy with it
- The company wants to negotiate a solution with you
- You get a response and you are not happy with it
- You do not get a response at all

5: Consider further action

If you are not happy with the response or you do not get a response, you could consider legal action. If you are not happy with the response you received from your local authority, you may also consider taking your case to the Local Government Ombudsman, www.lgo.org.uk.

If you got a response, it is very likely that there will be some explanation of why things happened the way they did. Read it and think whether the reasons given look like good reasons to you. Look at our [How to deal with most common excuses document](#) to help you decide what to do next.

Remember:

- the Equality Act requires bus, rail and taxi companies, and taxi drivers, to anticipate potential needs of Disabled people and do what is reasonable to meet those needs
- Staff shortages or the fact that you didn't book in advance won't necessarily be good reasons.



[Use our template complaint letters](#)

How to write a letter before action

This is the first step you should take if you want to start a court case. This letter is similar to a complaint letter and you can use and adapt our templates below.

Identify a specific incident

You can only make a case about specific incident. If you are discriminated against regularly, consider choosing a situation for which you have better evidence, for example when someone was with you and they can give evidence about what happened.

Send the letter as soon as you can

Although the time limit to issue a claim in court is six months less one day from the incident, you should not leave it too long. Sending the letter before action

promptly will give you time to negotiate. You are likely to remember more clearly what happened and most importantly, sending it soon after the incident can be crucial for securing evidence.

Identify who to bring the case against

Sometimes it can be quite difficult to identify the correct defendant in a case because several different companies may be involved in a situation. We listed some tips below, but if you are not sure, take legal advice or contact us for help. Send the letter to the company's head office.

If you were travelling by train

Find out which company operates the train you wanted to take and which company manages station staff. Your case will be against the company whose action or inaction meant you did not get the assistance you needed. If you



[Use our template letters before action](#)



[Search the Companies House register to find the head office](#)

are not sure, send complaints to all organisations involved to establish whose fault this was. Alternatively you can name them all as defendants in your claim and drop them depending on what they say in response to your claim.

[If you were travelling by bus](#)

Buses are operated by several big companies. Their name and address are often written on the bus. If the incident was in London, you can use the TfL website to find out who runs the bus company.

[If you were travelling by taxi](#)

There is a difference between taxis and minicabs. Taxis are allowed to pick up people on the street – you can hail a taxi. Normally taxi drivers are self-employed. Minicabs or private hire vehicles are only able to pick up passengers if they made a booking through a minicab company. Some minicab companies employ drivers, when others use self-employed drivers.

If you hailed a taxi, you would normally bring a case against individual taxi driver.

If you used a minicab company, and discrimination happened either because of the company's fault – for example, they did not pass all the information to the driver or they sent a vehicle which would not be accessible – or due to a driver employed by the company, your case would be against the minicab company.

If, however, the minicab company uses self-employed drivers and the discrimination you experienced was purely the driver's fault – for example, they took a booking knowing they won't be able to deliver – your case would be against the driver.

Taking legal action

By legal action here we mean starting a discrimination claim in the County Court. You can do this on your own or you can find a lawyer to represent you.

If you are on means tested benefits, or your income is low, you may be able to get government funding to pay for your legal representation (legal aid). Some solicitors may be willing to take your case on a “no win no fee” basis.

If you have a lawyer, they will usually draft the documents for you and will guide you through the process.



If you decide to take legal action yourself, below are some tips, templates of documents and links to resources that might be helpful.

- [Disability Justice Project guide to legal aid](#)
- [Doug Paulley’s disability attitude re-adjustment tool](#)
- [Judiciary.gov.uk guides for litigants in person](#)
- [Justice.gov.uk court forms](#)
- [Citizens’ Advice taking court action](#)






If you think you will need legal advice and representation, get in touch with our Disability Justice Project or [see here](#) for the list of organisations to contact.

Letters

Writing a complaint letter is the first step you will take in starting a legal action. We have made several templates you can use to write letters.

[See here](#) if you are not sure whether you should write a complaint letter or a letter before action.

This section covers:

-  Complaint letters
-  Letters before action
-  Subject Access Requests

Letter types

Word template



Online form



If you were travelling by train

Things to remember

- [Read what the law says.](#)
- [Identify correctly who to send the letter to.](#)
- The time limit for starting a discrimination case in court is six months, so send your letter as soon as you can.

If you weren't provided assistance

Complaint letter

Letter before action

To collect evidence

Subject access request

If you were travelling by bus

Things to remember

- [Read what the law says.](#)
- [Identify correctly who to send the letter to.](#)
- The time limit for starting a discrimination case in court is six months, so send your letter as soon as you can.

If you were unable to get on a bus because the wheelchair space was occupied

Complaint letter

Letter before action

If you were unable to get on a bus because the bus did not stop for you, or the bus pulled up too far or in a way which prevented you from getting on

Complaint letter

Letter before action

If the audio visual announcements or a ramp did not work

Complaint letter

Letter before action

To collect evidence

Subject access request

If you were travelling by taxi

Things to remember

- [Read what the law says.](#)
- [Identify correctly who to send the letter to.](#)
- The time limit for starting a discrimination case in court is six months, so send your letter as soon as you can.

Check your local authority's licencing conditions and whether or not your local authority put together a list of designated wheelchair accessible vehicles. This information should be on their website.

If the vehicle is on the list or the driver breach the licence, you can ask your local authority to take action against them.

If a taxi driver refuses to take or provide assistance to a wheelchair user or a mobility scooter user

Complaint letter

Letter before action

If you a taxi driver refused to take you because of guide dog

Complaint letter

Letter before action

The Disability Justice Project

Inclusion London
336 Brixton Road
London SW9 7AA

www.disabilityjustice.org.uk
info@inclusionlondon.org.uk
020 7237 3181

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