

# NEWS BRIEF

Presented by **Crendon Insurance Brokers Ltd**

## Supreme Court Rules in Favour of Disabled Passengers

On 17th January, the Supreme Court ruled that bus drivers must do more to accommodate wheelchair users and ensure that they are able to use the designated wheelchair area—even if that means forcing mothers with buggies to move.

The case was brought to court by Doug Paulley, a wheelchair user who was left at a bus stop in February 2012 after a mother refused to move her buggy out of the designated wheelchair area. Paulley was then forced to wait for the next bus, which caused him to miss his train and lunch with his parents. After the incident, Paulley accused the bus operator of breaching the Equality Act 2010 for not making ‘reasonable adjustments’ for wheelchair users who wanted to travel.

The case marks an important milestone for the rights of disabled citizens, as the court found that the bus operator’s policy of requiring a driver to simply request a non-wheelchair user to vacate the space without taking any further action was not enough.

### How Does This Affect Me as an Owner or Manager of a Bus or Coach Company?

If you are the owner or manager of a bus or coach company, you should consider how your organisation can comply with the ruling. Whilst the court’s ruling suggested several strategies to persuade non-wheelchair users to seek another seat, it stopped short of making it a legal duty for drivers to move non-wheelchair users from the designated disabled space.

The court suggested that if the designated wheelchair area is occupied by non-wheelchair passengers, the driver should request them to

move out of the area. If the non-wheelchair passengers do not move, the driver can either rephrase the request as a requirement or refuse to continue driving until the space is made available. The latter option is intended to shame the passengers into giving up the designated spot.

As these strategies place more responsibility on your drivers, you may want to provide them with extra training on how to manage non-wheelchair passengers that are unwilling to move out of the designated area. Also, your company may want to create a plan that outlines what accommodations should be made for passengers in wheelchairs and how to address potential incidents, as well as making sure that all signage makes it clear that non-wheelchair users must vacate the disabled space for wheelchair users.

If your driver does not attempt to make the designated area available, your company may be found liable and could receive fines and penalties.

### How Does This Affect Those of Us Who Do Not Own or Manage a Bus or Coach Company?

Whilst the court case is centred on providing access and space for passengers in wheelchairs, the potential effects of the case have a far greater reach. Any service provider with wheelchair spaces or facilities—including supermarket car parks, public toilets at sporting arenas or disabled toilets on trains—may also have to ensure that their policies are able to adequately accommodate the needs of wheelchair users. Just as with companies with buses or caravans, this new ruling will require staff at these organisations to be properly trained in order to enforce these policies.

For more information, contact **Crendon Insurance Brokers Ltd** at **0121 45 45 100** today.



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