PUSHCHAIRS, BUGGIES AND PRAMS ON LOTHIAN BUSES – THE FACTS

The Public Petitions Committee are to consider a petition concerning the carriage of prams on buses on 4 November 2008. This document details what Lothian Buses’ position actually is, and why it is so.

Foldable pushchairs and buggies as below are, and always have been, welcome on Lothian Buses.

What are not accepted are full size rigid, non-folding prams as illustrated below.

Lothian Buses’ policy on full size, non-folding prams is not new, it has been in place, unchanged, since wheelchair accessible buses were first introduced to Edinburgh in 1999. Buses clearly display the signs below/overleaf to ensure passengers are aware of the arrangements.
The law requires that all buses built since 1999 must be wheelchair accessible and have a designated wheelchair space of a size specified by the Department for Transport.

The law requires that bus companies take steps to ensure that it is not unreasonably difficult or impossible for wheelchair users to use their services.

The Department for Transport guidance is that bus drivers should request anyone/anything (other than a wheelchair user) vacate the wheelchair space if a wheelchair user wishes to board the bus.

The vast majority of Lothian Buses’ fleet already have low floor wheelchair access and a designated wheelchair space. By the end of 2009 the Lothian fleet will be 100% wheelchair accessible – eight years ahead of the (UK) Government’s deadline for achieving complete wheelchair accessibility.

Our belief has always been that the primary purpose of the wheelchair space is to accommodate wheelchairs. The foundation of our policy is that the wheelchair space should be available to wheelchair users whenever they want to travel. That is why the law requires the wheelchair space to be there.

Equally our policy has been that when the wheelchair space is not required for a wheelchair, we are perfectly happy for any other traveller with any other “encumbrance”, be it buggy, pushchair, suitcases, bulky shopping or the like, to occupy the wheelchair space on the clear understanding that if a wheelchair user subsequently wishes to board the bus, whoever or whatever is occupying the wheelchair space, will vacate the space to allow the wheelchair to use it.

Our policy can be summarised as –

- wheelchairs have priority;
- if the wheelchair space is not required for a wheelchair, anything/one else can occupy the space;
- but only on the understanding that they vacate the space if it is subsequently required for a wheelchair.

Thus the core issue is that whatever occupies the wheelchair space, if it is not a wheelchair, must be capable of being (folded up if necessary and) put away safely elsewhere on the bus, to allow a wheelchair user to use the space.

As there is only one wheelchair space on the bus, the practical effect of permitting an unfoldable pram to occupy the wheelchair space is to prevent wheelchair users from boarding while the pram is on board. For this reason we do not permit unfoldable prams on our buses.

The City of Edinburgh Council report on the issue states “If a non-folding pram is allowed onto a bus, it precludes the possibility of a wheelchair user subsequently boarding the same bus. This is because it would be unfair and impractical, once a passenger has purchased a ticket and boarded the bus, to ask them to alight without completing their journey.”
The Law

The law imposes a duty on bus operators to make “reasonable adjustments” to ensure that it is not “unreasonably difficult or impossible” for disabled people to use our services (Disability Discrimination Act 1995 as amended – Section 21).

The legal advice received by Lothian Buses is that the exclusion of unfoldable prams is exactly the kind of reasonable adjustment which the Act envisages.

Good Practice

The Equality and Human Rights Commission guidance on the obligation in relation to access to services for disabled people states –

“A service provider has a duty to make reasonable adjustments where a practice places a disabled person at a substantial disadvantage compared with people who are not disabled. They must take reasonable steps to prevent that disadvantage.”

Our advice is that excluding prams which cannot be removed from the wheelchair space and accommodated elsewhere on the bus ensures that Lothian Buses are doing everything possible to comply with this guidance.

Department for Transport guidance indicates that any non wheelchair users occupying the space should be asked to vacate it if a wheelchair user wishes to board. Lothian Buses drivers are instructed that they must always do that.

Conclusion

Disabled people have far fewer choices than others in our community. Rather than reducing their opportunities to use local buses by allowing full size prams to occupy the wheelchair space, choosing a pushchair or buggy which is foldable and therefore suitable for bus travel may be a more positive way forward that ensures all sectors of society can travel by bus.