



A Practical Guide for Vehicle Rental Firms

Introduction

Access to transport is fundamental to full and independent participation in society as a whole. Yet, disabled people travel one third less than non-disabled people. In the context of an increasingly mobile society and an ageing population where there are likely to be higher levels of disability, it is essential that the transport industry develops to meet these challenges. Many improvements have already been made or are well under way, but there is still a significant way to go.

The DRC is therefore producing a series of good practice guides for transport providers. Each guide deals with a different transport sector and offers practical advice on good practice in serving disabled customers. The following sectors are covered:

- scheduled buses and coaches
- breakdown recovery services
- rail services
- rental vehicles
- taxis and private hire vehicles (PHVs)
- tour coaches.

Purpose and scope of the Guidance

This Guidance is aimed at businesses which provide vehicles for short-term hire to members of the public. For ease of reference these businesses are referred to as vehicle rental firms.

The Guidance is intended to be a practical guide, offering good practice advice to vehicle rental firms in serving disabled customers and potential customers. It

shows how the adoption of good practice can promote equal treatment of – and avoid discrimination against – disabled people.

However, the Guidance is not intended to offer a detailed explanation of the workings of the Disability Discrimination Act as it applies to disabled people and transport. The DRC has already produced two Codes of Practice which are designed for this purpose, and more detail on these can be found in the following section ‘What the law says’ and in Appendix 1 to this Guide.

Rather than replicating these Codes, which are inevitably legalistic documents, this Guide takes a more practical and comprehensive approach. It covers the whole process of renting a car, including those services provided before, during and after the transaction.

The scope of this publication is therefore not restricted to what is covered by the law, and it should not be treated as a legal interpretation, but rather as a guide to effective practice in serving disabled people. Nor is the guide a statement of best practice (a concept which is in any case difficult to define in a rapidly changing world), there may be occasions when rental firms may want to go beyond the advice given in this guide in order to effectively serve disabled customers.

The Guide deals in the main with class M1 vehicles, vehicles with fewer than 8 seats excluding the driver. Some sections also refer to M2 and N1 vehicles which are the subject of more restricted duties under the DDA. (M2 vehicles have eight seats or more, and have a gross vehicle weight of less than 5 tonnes, whilst N1 vehicles are essentially goods vehicles that are designed to have a gross vehicle weight of up to 3.5 tonnes).

What the law says

Although, as stated above, this Guidance is not intended to provide an interpretation of the DDA, a brief summary of its basic principles is set out below. A more detailed summary is also provided in Appendix 1 of this Guide.

Essentially, the DDA makes it unlawful for organisations which provide services to the public to discriminate against disabled people in the way they provide or do not provide those services. This is much more than simply refusing or neglecting to provide a service, organisations must make ‘reasonable adjustments’ to remove or overcome elements in their services which present barriers to disabled people. The Act has been introduced in stages to allow businesses time to review the way in which they deliver their services and plan the changes they need to make to remove discriminatory aspects.

All transport providers have duties under the DDA. These duties will vary according to the type of vehicles and services they offer to the public.

Currently all transport providers have duties under Part 3 of the DDA in relation to transport infrastructure. For vehicle rental firms this means things like booking arrangements and the accessibility of premises. Since December 2006 vehicle rental firms will also have duties in relation to the provision and use of the vehicles they provide.

Appendix 1 to this publication provides further information on the DDA duties. However, it is recommended that vehicle rental firms refer to the relevant Codes of Practice for a full explanation of their legal duties. The DRC has produced a series of statutory Codes of Practice on various aspects of the DDA. These include two that relate specifically to transport:

- **the Code of Practice on Rights of Access to Services and Premises** (known as the Part 3 Code), which covers duties in relation to the provision of transport infrastructure services, and
- **the Code of Practice on Provision and Use of Transport Vehicles** (supplementary to the Part 3 Code), which covers duties in relation to the provision and use of transport vehicles.

Who is a disabled person?

There are officially upwards of 10 million disabled people in Britain. Many may not think of themselves as disabled, but will nevertheless be covered by the DDA definition of disability. Some people are obviously disabled, such as someone who uses a wheelchair or a white cane, others may have disabilities which are not immediately obvious, such as a serious heart condition, mental health issues or diabetes.

Vehicle rental firms should avoid stereotypical assumptions as to whether or not someone is disabled, or as to the extent of someone's disability. For example, some people who use wheelchairs can transfer – say to a seat in a taxi – others cannot. People who can walk may only be able to do so with difficulty and with the help of a walking aid.

Rather than making such assumptions, vehicle rental firms should be focusing on the individual's service requirements. The nature of someone's disability is only relevant when considering whether and at what point they might require assistance. The issue of information required at the point of booking is explored further at sub-section 7.5.

One issue which the range of different disabilities serves to emphasise is the importance of staff training in disability awareness and equality issues. Staff attitudes towards disabled customers are often cited as the single most important aspect determining satisfaction with a service. Staff training is dealt with in section 6.

Planning for disabled customers

The DRC recommends that the ultimate aim for all transport providers should be to integrate provision for disabled customers to the point where it is automatically planned into the provision of any service, vehicle or building and, ideally, mainstreamed within that provision. This is to prevent, wherever possible, a situation in which disabled people are separated out from other passengers as 'special cases'.

Building disability equality into all service monitoring, review, planning and implementation should help ensure that the operator is providing an optimum level of service for its disabled customers (and undoubtedly many of its other customers too).

Keeping up to date with improvements in technology and vehicle equipment will help provide future solutions to the problem of inaccessible services. This may be particularly important for vehicle rental firms, where what is beyond the budget or technologically impossible today may well be possible in the future, especially with a positive approach and effective long-term planning and budgeting.

Positive attitudes, positive outcomes – the importance of staff training

Although staff are usually only in contact with the customer when booking the vehicles and at the beginning and end of the rental period, unless something goes wrong with the vehicle, the importance of their role must not be underestimated.

Whether a booking is made by telephone, or face-to-face across a desk, the person accepting a booking is the customer's first point of contact with the industry. If the customer's needs are incorrectly assessed, or if he or she has a bad experience with this first contact, then this will strongly influence the person's perception of the particular firm and the industry as a whole.

It follows that training all staff to understand how they can best meet the needs of disabled customers is absolutely essential. It is in any case worth considering that effective training of this kind can often reduce the need for general customer service training.

Support and commitment from management are crucial in achieving truly high standards and long term change. Planning for the future should incorporate disability issues from the outset. It is recommended that disability equality training should include everyone in the organisation.

Content of a training programme

A programme for staff training should vary as appropriate according to the role of staff and the level of detail they require. The following are some basic pointers for reference. The programme should:

- Be based upon the principles of the 'Social Model' of disability; these ensure that the starting point for any training is the acceptance that disabled people are full members of society who are disabled by the poor design of the built environment, by a lack of clarity in information provided and by the inappropriate attitudes of others.
- Explain how to assist disabled people. This should cover the needs of people with all kinds of disability, not just those of people who are more obviously disabled, such as wheelchair users. Staff should be trained not to simply assume that a person needs a particular form of help, and to ask if help is required before giving it.
- Involve disabled people, preferably with a wide range of disabilities. They are the experts on their disability and should be able to indicate where potential barriers are likely to be.
- Ensure that all staff are familiar with the booking procedures and arrangements for adaptive equipment to be fitted to vehicles.
- Explain how to communicate effectively, particularly with people with learning disabilities or speech impairments as well as people with hearing loss.
- Give an overview of what the DDA legislation means in practice.
- Aid personal development, for example by encouraging staff to learn sign language.

Need for continuing training

Training of this kind is not a one-off activity. Refresher training should be given regularly, for example, to take account of relevant technological developments.

Where firms are too small to have the necessary resources to develop their own training programme, there are training specialists who can advise on the content of training for frontline and management staff. There are also some useful guides

published on disability awareness training – see Appendix 2 at the end of this guide.

Information about services and booking procedures

The DRC has been advised by the British Vehicle Rental and Leasing Association (BVRLA) that vehicle rental firms currently sub-contract to specialist firms the fitting of any equipment which is required to adapt vehicles so that they can be driven by disabled customers. This guide therefore is written on the basis that this is the standard practice. Vehicle rental firms which do this work ‘in house’ or which adopt such an approach in the future should aim to follow the same basic principles set out below.

Customers booking vehicles to rent will mostly make initial contact with the firm via the telephone or the web. It is essential that these methods of communication are as accessible as possible, so that the information-seeking and the process of taking out an agreement are made as straightforward as possible for all customers.

Access to information by telephone

For most customers the telephone is likely to be a major point of contact. As with all customers, courtesy and a willingness to help are of paramount importance in creating a positive initial impression.

Members of staff dealing with a customer seeking to hire a vehicle should be aware that a call may be made via Typetalk. This is a service that can be used by a profoundly deaf person, in which the telephone operator acts as an intermediary between the caller and the staff receptionist taking the call. The telephone operator relays the receptionist’s answers to the caller, which appear on their telephone as a written message.

Some callers such as those with a speech impediment, for example, may need extra time to make the call and staff should avoid interrupting by suggesting responses.

Websites

Using the internet to find out information and hire a vehicle is increasingly popular. If the company has a website, it should be designed so that it is accessible for disabled people in terms of content and usability, for example, how a customer can progress through it to complete the agreement. Guidelines on the design of accessible websites are available. In conjunction with the DRC, the British

Standards Institute (BSI) have developed guidance for web commissioners and designers. This guidance can be purchased from the BSI at www.bsi-global.com.

The information on the company website should include details of any services and facilities that the operator can provide for disabled people. For example, the availability of vehicles with hand controls should be listed on the website, together with details of periods of notice required to make such equipment available. The website should strongly advise customers wanting any adaptations to make contact by telephone to discuss their requirements.

Printed information

It is a good idea to produce printed material for the public, such as brochures about services, in a minimum font size of 14 point print, with a simple typeface and good contrast between text/numbers and background (for example, black text on white background). This can help people with dyslexia, for example. By adopting this approach, an operator is enabling many more people to read the information provided independently, without having to ask for a special adjustment.

Marketing the service is an important part of a company's activity. If promotional information is not accessible, a significant part of the market may be missed.

Example: A vehicle hire firm as part of its marketing, advertises the availability of vehicles with hand controls in the national *Disabled Drivers* magazine. This ensures that these potential customers hear about what is on offer.

Dealing with requests for adapted vehicles

As described in section 8 it is important that a disabled customer who needs adaptive equipment gets the aids they are expecting when they collect the vehicle.

When dealing with a booking from a driver who requests adaptations that are available to the vehicle rental firm or its agents, the staff member accepting the bookings should take the details of the equipment requested which will be forwarded to the contracted firm who will be supplying the equipment. Except for standard items such as steering wheel spinners, arrangements should be made for the firm fitting the equipment to telephone the customer to discuss details of the equipment they require.

The contractor supplying and fitting equipment should discuss with the customer the equipment they require, identifying what they currently use, and suggest the

model they can provide which is most similar. They may suggest that the customer checks a manufacturer's website to look at the information provided about the equipment to enable the disabled driver to assess its suitability prior to the rental taking place.

Booking in advance

As a matter of principle it would be discriminatory for all disabled customers to be required to give more notice for booking a vehicle than non-disabled customers. Unless a disabled customer requires adaptations fitted to the vehicle there is no reason to require more notice of a booking than any other customer.

However, it is clearly necessary that advance notice is given if the disabled customer requires adaptive equipment to be fitted. The DRC believes that in the majority of circumstances it would be reasonable to require a disabled customer who needs adaptations to the vehicle to book their vehicle 2 working days in advance. In the USA the standard period of notice required is now 1 working day, but in the UK the vehicle rental sector has less experience of responding to such requests and generally sub-contracts the work. Moreover the proportion of vehicle fleets which have automatic transmission (which is frequently required) is much smaller.

Some vehicle rental firms ask all disabled customers to notify the firm that they have a disability when making a booking whether or not they require any adaptations to the vehicle. They believe that this will reassure staff who are unfamiliar with dealing with disabled customers. Despite the good intentions behind this policy firms are advised that such an approach is likely to be perceived by some disabled people as discriminatory. A much better approach is to provide staff with the training suggested in section 6 so that they will not behave in discriminatory ways. It is therefore important for clear guidance to be given to disabled customers so that they can make the rental company aware of the adaptations they require.

Providing the right vehicle and adaptive equipment

Staff within the industry, including appointed subcontractors, have an important responsibility for ensuring that disabled customers are provided with the vehicle (and equipment if required) that meets their needs. In particular if the disabled customer requires equipment to be fitted it is in everyone's interest to ensure that it meets their needs and can be safely operated.

However not every disabled customer will require an adapted vehicle. Many can drive an ordinary car and others will simply need a vehicle with automatic transmission.

Some disabled customers may require a standard car, but with a particular feature such as a boot large enough to take a wheelchair, or a 3-door car with a wide door opening to make it easy for them to swing into their seat. It may be that larger rental firms which change their vehicles regularly, and turn them round quickly at busy times, may not be able to give information about the make and model of vehicle to be provided in advance. However this should not prevent them providing a vehicle which meets a request of this nature.

Example: A customer arranges to rent a car and explains that they require a vehicle in which they can carry their standard size wheelchair laid flat. In discussion with staff they select a medium size vehicle as the vast majority of vehicles in this class can accommodate a wheelchair laid flat. However, when they pick up the vehicle they find that the car provided cannot accommodate a wheelchair. The car rental firm therefore agrees at no extra charge to provide a large vehicle which can accommodate a wheelchair.

In assessing whether a vehicle will meet a disabled customer's needs of this nature rental firms may find the Ricability Website useful, www.ricability.org.uk. This now includes a car measurement guide with details of features such as boot size and sill height, and door opening angles for the majority of major car manufacturers.

What sort of equipment should be fitted

There is an increasing range of equipment available to assist disabled people to drive cars and other vehicles. This includes simple extensions to pedals through to elaborate electronic controls for the steering, accelerator and brake.

Some disabled people will need only minor additional equipment, such as fitting a wide angle rear view mirror because they have difficulty turning their head. A relatively small number will require more specialist equipment such as hand-controls to operate the accelerator and footbrake.

There are a range of relatively cheap removable devices which can be fitted to vehicles to assist disabled drivers to operate them safely. These include; steering wheel spinners, pedal extensions, wide-angle rear view mirrors. The fitting of

these devices is relatively simple and they can be removed leaving no permanent damage to the vehicle.

In addition there are a growing range of devices to enable drivers who cannot use their legs, to operate the accelerator and brake using their hands. Many of these are designed to be fitted quickly and simply, without the need for significant or permanent alteration to the vehicle.

Vehicle rental firms are not expected to provide all of this equipment for disabled customers, and what they are expected to provide will take account of the size and resources of the business. Larger firms will probably contract with a specialist firm to provide a range of equipment including hand controls when requested by customers. Medium sized firms may prefer to hold information about the firms which can provide equipment, without necessarily entering into a formal contract. It is likely to be only a small number of specialist firms will want to consider offering hire vehicles fitted with the more elaborate controls.

When drawing up an agreement with a sub-contractor to provide and fit equipment to meet the needs of disabled customers it is important not to restrict too narrowly the range of equipment that can be provided. This is important to ensure that there is equipment available which will be compatible with the range of vehicles in the firm's fleet as well as providing a degree of choice for the driver. There are, for example, a growing range of hand controls available. Some require good upper body strength, others place more emphasis on good manual dexterity. Allowing the sub-contractor to offer a range of equipment will allow them to best meet the needs of disabled customers.

The aids which should be fitted are not solely about enabling someone to drive a vehicle. It may be necessary to provide for a driver who has difficulty lifting their wheelchair into a car one of the range of wheelchair stowage devices (including hoists) which are now on the market. Larger firms should be willing to provide equipment of this nature.

Fitting some of this equipment may require some permanent alteration to the car, including the drilling of holes in the bodywork. The regulations accompanying the Disability Discrimination Act restrict the circumstances where such changes are required. These apply only to MI class vehicles (see section 2 for more information about the class of vehicles covered by the DDA), and relate only to altering the controls for the accelerator and brake and the fitting of wheelchair stowage devices. For example, there is no requirement to fit a specialist seat or left foot accelerator, nor is there any requirement to alter any of the electrical controls of the vehicle, or fit infra-red control.

A vehicle rental company should be mindful of the range of equipment on the market and the sort of items which may be requested by disabled customers. They should also keep abreast of developments in technology to ensure that they are able to anticipate requests from disabled customers and update sub-contract agreements accordingly.

The legal requirements of the Disability Discrimination Act are likely to only extend to making adaptations to meet the needs of the driver because of the contractual relationships in the vehicle rental sector. Nevertheless, a vehicle rental firm may wish to consider meeting the needs of passengers to help secure business which would otherwise go elsewhere.

Fitting of equipment and hand over of vehicle

Provided that the sub-contractor is able to fit the equipment which has been agreed with the disabled customer they should be treated in the same way as any other customer when they come to collect the vehicle.

If for any reason there has been no discussion with the disabled customer to establish their needs, or if the equipment fitted is different from that which has been agreed with the sub-contractor, a member of staff (either from the sub-contractor or from the rental firm) should be available to assist the customer by introducing them to the equipment, including demonstrating the key functions and any distinctive features.

Until recently there were very few vehicle rental firms which offered adapted vehicles for hire, and even those which did required extended periods of notice. Consequently disabled drivers who require adaptive equipment are probably less likely to be used to changing from one vehicle to another than the majority of non-disabled drivers. This is why it is particularly important that they are given correct information about the equipment which will be fitted. This is also why they may take longer to familiarise themselves with a new vehicle than other drivers. However, this does not mean that they are unsafe to drive. If they hold the appropriate driving licence the vehicle rental firm should treat them in the same way as they would any other driver and work on the presumption that by accepting the adapted vehicle they are fit to drive.

This does not mean that a disabled driver should be allowed to drive a vehicle in all circumstances, simply that they should be assessed as the firm would assess any other driver. If the disabled person appears to be under the influence of drink or drugs, for example, the firm would be quite within its rights to refuse to hire them a vehicle.

Charges for fitting vehicle adaptations

It is generally understood that the Disability Discrimination Act makes it unlawful to pass on the costs of making adjustments to services for disabled people to individual disabled customers. It is expected that the costs will be spread across the business as a whole. It is therefore unlawful to charge for the sort of adjustments described in this guide. This includes the cost of fitting as well as supplying the equipment.

However, some of the more specialist equipment we refer to such as that which allows a car to be driven by someone who remains in their wheelchair would be considered to be a specialist service for which a charge could be made.

Vehicle Breakdown

In the event of a hire vehicle fitted with adaptations breaking down, and if the rental agreement includes breakdown cover, the vehicle rental company should endeavour to supply a replacement vehicle to which any adaptive equipment can be safely and quickly transferred. However the equipment would need to be transferred by a trained fitter, probably provided by the sub-contractor responsible for fitting the equipment in the first place. Some delay in arranging for this transfer would probably be inevitable, especially if the vehicle breaks down in a remote area.

Liability

All parties involved in the delivery of a service to a disabled customer have a duty to ensure that the service is accessible to them. In the event of litigation under the DDA all parties will still bear some liability for ensuring that any disabled customers receive an acceptable level of service.

The precise boundaries of responsibility will depend on the contract between the large operator and those subcontracted to it. However, wherever the boundary may be set, neither party will be completely free of obligation to ensure that disabled customers receive a good service.

Customer feedback

In order to achieve and maintain good levels of service, a vehicle rental firm is advised to set up an effective system for obtaining, monitoring and acting on customer feedback. A complaints procedure, for example, which encourages customers to explain what the problem was and how things could have been handled better, and which ensures a prompt response to every complaint, is likely to provide a useful basis for future service planning.

Feedback arrangements should be made accessible in the same way as booking procedures as described in section 7.

Appendix 1

Legislative background

There are two Parts of the Disability Discrimination Act (DDA) which have a particular relevance to transport: Part 3, which deals with access to services and premises, and Part 5, which allows access standards to be set for certain types of vehicle.

As far as rental vehicles are concerned, the provisions of Part 5 are not relevant. This is because there are no access standards or provisions within the Act itself which relate to rental vehicles under Part 5; these apply only to providers of scheduled buses and coaches, rail vehicles and taxis/private hire vehicles. Brief details on these provisions can be found in the DRC Guidance for each of these modes of transport, or by contacting the Department for Transport.

Part 3: Access to services and premises

This section sets out the bare bones of the law. For further information on these duties, their scope and how they apply, transport providers should refer to the **Code of Practice on Rights of Access to Services and Premises** (known as the Part 3 Code) for issues relating to transport infrastructure services, and to the **Code of Practice on Provision and Use of Transport Vehicles** (supplementary to the Part 3 Code) in respect of duties relating specifically to the provision and use of transport vehicles.

Current situation

All transport providers have duties under Part 3 in respect of any transport infrastructure they provide to the public. In the case of rental vehicle firms this means things like information services and booking procedures, and the accessibility of premises open to the public.

Since 4 December 2006, providers of certain types of vehicle (including rental vehicles) have similar duties in respect of the provision and use of those vehicles.

These duties are briefly set out below. For the most part, the duties relating to the provision and use of vehicles will be the same as those relating to the provision of infrastructure services. In some cases, however, the duties relating to provision and use of vehicles are more limited, and where this is the case, it is also explained below.

What the law says

Less favourable treatment

It is unlawful for a transport provider to discriminate against a disabled person:

- in refusing to provide a service offered to members of the public;
- in the standard or manner of service; or
- in the terms on which the service is offered to the disabled person.

Reasonable adjustments

It is also unlawful for a transport provider to fail to make reasonable adjustments to a service they provide, if that failure makes it impossible or unreasonably difficult for a disabled person to access that service.

This duty to make reasonable adjustments is considered to be the cornerstone of the DDA. It requires the transport provider to plan ahead, anticipating where the barriers to disabled people are in accessing a particular service, and what adjustments could reasonably be made to prevent or remove such barriers.

Reasonable adjustments are divided into three broad categories. The first two set out below apply both to providers of transport infrastructure and to providers of transport vehicles (including rental vehicles):

- **Policies, practices and procedures** – vehicle rental operators have a duty to take reasonable steps to amend any policies, practices or procedures which make it impossible or unreasonably difficult for disabled people to use their services.
- **Auxiliary aids or services** – vehicle rental operators have a duty to take reasonable steps to provide auxiliary aids or services where these would enable or facilitate disabled people's access to a service.

As with the other reasonable adjustment duties outlined above, the third category of reasonable adjustment applies in its entirety to providers of infrastructure

services. It also applies to providers of rental vehicles (of the M1 type only), though its application is limited (as is described below):

- **Physical features** – providers of transport infrastructure services and providers of rental vehicles have a duty to overcome a physical barrier which makes it impossible or unreasonably difficult for disabled people to access a service by: removing it, altering it, providing a reasonable means of avoiding it or providing a reasonable alternative method of making the service available.

The application of the above duty is limited in relation to rental vehicles. Providers of rental vehicles only have an obligation to consider making reasonable adjustments to physical features which relate to:

- the provision of hand controls; and
- the provision of wheelchair storage.

As providers of transport infrastructure they will also have duties to consider the full range of adjustments to any buildings or venues which they provide as part of their services (for example, a booking office).

Appendix 2

Further reading

‘Code of Practice: Rights of Access: Services and Premises’ copies of this publication can be downloaded from the Disability Rights Commission website www.drc-gb.org or in hard copy from The Stationery Office
Telephone: 0870 600 5522
Fax: 0870 600 5533

‘Code of Practice: Provision and Use of Transport Vehicles’ copies of this publication can be downloaded from the Disability Rights Commission website www.drc-gb.org or in hard copy from The Stationery Office
Telephone: 0870 600 5522
Fax: 0870 600 5533

The DRC has been unable to identify any publication on serving disabled customers aimed specifically at the vehicle rental industry. Relevant material may

be found from GoSkills the sector skills council for passenger transport,
www.goskills.org

The following general publication may be useful:

‘Respect the Difference Value the Mix’ available from GoSkills, Concord House, Trinity Park, Solihull, West Midlands B37 7QU
Telephone: 0121 635 5520
Fax: 0121 635 5521

In addition the following sources of information could be helpful:

Consumer Guide to Renting a Vehicle, available from British Vehicle and Rental Leasing Association, www.bvrla.co.uk

MAVIS Information Guides, available on the Department for Transport website. www.dft.gov.uk/transportforyou/access/mavis/mavisinfo/

Forum of Mobility Centres – www.mobility-centres.org.uk/

The Disability Rights Commission (DRC) was created by the Disability Rights Commission Act 1999. The DRC's mission is to achieve a society in which all disabled people can participate fully as equal citizens. It has the following duties:

- To work towards the elimination of discrimination against disabled people;
- To promote the equalisation of opportunities for disabled people;
- To encourage good practice in the treatment of disabled people; and
- To keep under review the workings of the Disability Discrimination Act (DDA).