

BRIEFING

Hidden in Plain Sight – What the Commission’s Inquiry into Disability Related Harassment means for Public Transport Providers

**Equality and
Human Rights
Commission**

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Introduction

On 12 September, the Equality and Human Rights Commission published the findings of its formal inquiry into disabled related harassment. Our extensive evidence indicates that for many disabled people, harassment – including verbal and physical abuse, theft and fraud, sexual harassment and bullying – is a commonplace experience. Many disabled people have come to accept it as inevitable because public authorities have not put adequate structures in place to prevent and address it.

Disabled people often do not report harassment for a number of reasons: it may be unclear who to report it to; they may fear the consequences of reporting; or they may fear that the police or other authorities will not believe them. A culture of disbelief exists around this issue. For this reason, we describe it as a problem which is ‘hidden in plain sight’.

There is a systemic failure by public authorities to recognise the extent and impact of harassment and abuse of disabled people, take action to prevent it happening in the first place and intervene effectively when it does. These organisational failings need to be addressed as a matter of urgency and the main report makes a number of recommendations aimed at helping agencies to do so. Public transport has been identified as a ‘hotspot’ for harassment. This briefing sets out the key issues for public transport providers.

Key areas for improvement for Public Transport

- **Increase reporting of harassment**
- **Investigate, recognise and record harassment as disability related**
- **Reduce potential for conflict over shared space**
- **Work with schools and police to reduce harassment by young people**
- **Provide better support for disabled victims**
- **Intervene effectively to prevent escalation**
- **Improve communication with other agencies**

Harassment on public transport

Harassment of disabled people takes place in many different settings but public transport has been identified as a particular hotspot.¹ On and around public transport, including stations, stops, ticket offices and waiting areas were settings for harassment incidents cited in almost every focus group and interview conducted for the inquiry. These affected respondents' lives not only because of the intrinsic features of the incidents themselves but also because many disabled people rely on public transport.²

Respondents mentioned being stared or laughed at, avoided and commented on by other passengers. They also talked about other passengers showing impatience or annoyance, for example if they were slow or took up a lot of space with aids such as assistance dogs, sticks, frames and wheelchairs.³

One visually impaired person recalled an example of such resentment, although it did happen some years ago. On a crowded tube train she had pulled her assistance dog onto her lap and when someone else put a case on top of the dog she pushed it slightly away. The other passenger slapped her, saying, 'Who do you think you are?'⁴

'Use of public transport can be in itself isolating on two counts. Firstly, a person who is waiting for public transport is there for a reason and should bullying take place at this point, the individual would not have the same opportunity to vacate this environment in the same way that they would, for example, leave a shop if they felt threatened. Secondly, once on the public transport, the journey itself can be quite isolating as once underway, the individual may not have the opportunity to simply get up and exit the transport for a range of reasons.' (Submission to the inquiry by Greater Manchester Passenger Transport Executive (GMPTE))

Being harassed made people feel generally less safe, and often very fearful. Many respondents had curtailed their lives to avoid situations where they felt they were likely to be harassed; for example, avoiding public transport at certain times of day or not going out at night.

¹ Sin et al. for Equality and Human Rights Commission, 2009, *Disabled people's experiences of targeted violence and hostility*. Available from: http://www.equalityhumanrights.com/uploaded_files/research/disabled_people_s_experiences_of_targeted_violence_and_hostility.pdf

² Sykes, W., Groom, C. and Desai, P., 2011, *Disability-related harassment: the role of public bodies. A qualitative research report*. Equality and Human Rights Commission, p18.

³ Sykes, W., Groom, C. and Desai, P., 2011, *Disability-related harassment: the role of public bodies. A qualitative research report*. Equality and Human Rights Commission

⁴ Sykes, W., Groom, C. and Desai, P., 2011, *Disability-related harassment: the role of public bodies. A qualitative research report*. Equality and Human Rights Commission

Respondents also complained about bus companies that did not maintain their wheelchair ramps in working order and about individual bus drivers who were inconsiderate or ignorant of their needs. One respondent with a mobility impairment said she often could not board buses because the drivers did not pull in close enough or refused to lower the step. Bus drivers were often seen to be overly concerned with their timetables, to the detriment of disabled passengers' convenience and safety. Respondents said that drivers in a hurry sometimes didn't stop for them or moved off from the bus stop before they were safely seated or – when getting off – before they were safely on the pavement.⁵

Conflict over shared space

Seating reserved for disabled people and wheelchair spaces on public transport were reported to be a major cause of harassment, especially where designed to be shared with groups such as pregnant women or people with young children. The main cause of the problem was perceived by respondents to be the 'competition' for the relatively small number of places.⁶ A blind person stopped using public transport and was living a much more restricted life because the driver on her route had on more than one occasion made her give up her seat for a woman with a child in a pram. Disoriented and offered no help by any of the other passengers, she found it difficult to balance on the moving bus and she was unable to see where to hold on. She was too traumatised by these incidents to keep on using the bus.⁷

One person with a mobility impairment gets stiff, is often in a lot of pain and needs to use a stick when walking. Recently, on a bus, there were children in the disabled seats, with their mother. It was crowded. She desperately needed to sit down. She stood near to them but no-one got up. She asked if they were disabled. The woman/mother was talking on her phone and said in a very loud voice: 'She is asking children to get up so she can sit on the seat.' Eventually one of the children stood for her in spite of the mother's attitude.⁸

'A lot of conflict between disabled people and other service users can be traced back to the infrastructure and how transport systems are designed. If... spaces that may be allocated for wheelchair users or people who have other mobility impairments

⁵ Sykes, W., Groom, C. and Desai, P., 2011, *Disability-related harassment: the role of public bodies. A qualitative research report.* Equality and Human Rights Commission

⁶ Sykes, W., Groom, C. and Desai, P., 2011, *Disability-related harassment: the role of public bodies. A qualitative research report.* Equality and Human Rights Commission

⁷ Sykes, W., Groom, C. and Desai, P., 2011, *Disability-related harassment: the role of public bodies. A qualitative research report.* Equality and Human Rights Commission

⁸ Sykes, W., Groom, C. and Desai, P., 2011, *Disability-related harassment: the role of public bodies. A qualitative research report.* Equality and Human Rights Commission

[are] not well signed... then conflict between people who may be standing or sitting in these places and a disabled person who needs them is almost inevitable.’
Stephen Golden, Head of Equality and Inclusion at Transport for London

Some academics told us that the ‘bottleneck’ effect of many people generally in a hurry to get to wherever they are going and the potential for someone who needs to do something a little differently, or slower, is evidenced as triggering anger or resentment or impatience. Public authorities and transport operators have a duty to proactively consider how they are going to effectively reduce this tension in their preventative work, for example, by designing out tension hot spots such as shared spaces that cause conflict, but we received little evidence of where this is being addressed.

One common theme that was reported by people who experienced harassment on public transport was that the operators’ employees, especially bus drivers, did little to prevent the harassment from occurring, or were even the perpetrators of it. Disabled people stopped using public transport as a result, which left them more isolated and socially excluded.

Harassment by school children

Some disabled people and their organisations raised concerns about the harassment of disabled people by schoolchildren on public transport. Transport providers and schools should work together to resolve these problems.

‘Greater Manchester Passenger Transport Executive (GMPTTE) identified that harassment of disabled people on public transport is a problem. They commissioned research which indicated that schoolchildren are often the main instigators for harassing disabled people, especially people with learning disabilities, particularly on buses and trains and when waiting at bus stops. In response to this, GMPTTE have undertaken various projects to enhance the travel opportunities of people with learning disabilities and improve access, enabling them to make better use of mainstream public transport services and increase confidence when using public transport.’ (Submission to the inquiry by Greater Manchester Passenger Transport Executive (GMPTTE))

‘Andrew was on his way home from college using the bus. A group of schoolchildren in uniform spoke to him as they were all getting on the bus. The schoolchildren sat at the back of the bus while Andrew sat at the front. When the schoolchildren got off the bus, one of them smacked Andrew over the back of his head. When Andrew got home, he reported it to his support workers. After discussing it with his support workers Andrew didn’t want to report the incident to the police. Andrew often asked “Why me?” Andrew continues to travel independently on public transport and has community members he often sees when travelling which bring him security. Now Andrew is wary of groups of young adults/children when he is out in the community and goes out of his way to avoid them.’ (Submission to the inquiry by United Response)

‘Dave has learning disabilities and is partially sighted so when out in the community he has a white stick to support him with his bearings. Dave got on a bus and school children in uniform started sniggering at him and calling him names such as “Blind *****”. Dave decided it was best not to say anything to the children or the bus driver

but was determined to stay on the bus until he reached his destination.’ (Submission to the inquiry by United Response)

R e p o r t i n g l e v e l s

There is a substantial gap between the amount of harassment that disabled people experience, the amount that they report and the amount that is recorded as disability motivated. Despite anecdotal evidence that disability-related harassment is a major problem on public transport, reporting levels appear low. The British Transport Police recorded a total of only 60 disability-related crimes in the three years 2007-09. The Association of Transport Operating Companies were aware of only 19 recorded incidents which were classified as hate crimes against disabled people on the entire rail network in the previous year, out of a total of 61,000 incidents.

The low reporting levels may be because disabled people think that behaviours are non-criminal so no-one will be interested in them. They may also be unclear who to complain to. For example if someone is harassed on a train and then gets off at a station, they may not encounter anyone from the company running the train service. Respondents also said they had found transport providers difficult to communicate with or to access in the past, and overly rigid or process bound in their dealings with disabled people.⁹

Understanding the problem

The evidence we gathered suggested some differences in opinion and understanding on the extent and nature of the problem between different public transport organisations and providers. For example, Transport for London had a good understanding that harassment takes place and what needs to be done. Other organisations had less of an understanding and tended to perceive the relatively low numbers of complaints as indicative that this is not a major problem.

‘Most of our members don’t actually have a harassment categorisation in their complaints systems, so even if harassment is going on it’s not generally resulting in complaints by disabled people to bus operators.’ (Stephen Salmon, Director of Policy Development from the Confederation of Passenger Transport)

Many operators still see physical access in relation to disabled people as their main issue. They did not always understand the links between access and disabled provision with incidents of harassment. Transport operators need help in understanding the scale of the problem.

Some transport operators talked about their responsibilities under the Disability Discrimination Act in terms of ensuring discrimination does not occur in the delivery of services and focus wholly on access issues. They had less of a sense of their responsibility in terms of preventing disability-related harassment. For many, this is understandable, given that as private sector organisations they were not subject to the DED (now replaced by the PSED). Notwithstanding that there is no legal

⁹ Sykes, W., Groom, C. and Desai, P., 2011, *Disability-related harassment: the role of public bodies. A qualitative research report*, p33. Equality and Human Rights Commission

obligation to prevent harassment, we do feel that there is a moral and corporate social responsibility obligation to. And of course it makes good business sense, attracting more customers.

Good practice

Most public transport is provided by the private sector. In providing services, private companies must comply with relevant equalities legislation – the Disability Discrimination Act until October 2010, the Equality Act 2010 since then. They must not discriminate themselves and if a crime occurs on public transport they must take action to stop it, such as stopping the bus and calling the police. Some public transport operators are public authorities and have responsibilities for eliminating harassment under the public sector equality duty (PSED), both within services they deliver and those that they procure from other providers.

We found several examples of good practice in the public transport sector. For example: 995 rail stations on the network have achieved ‘Safer Stations’ Status, which means CCTV has been installed along with improvements in security.

For bus services in London, the bus companies are contractors to Transport for London. As part of the contract, there is an obligation on the bus operators to record and report all incidents that happen on buses to Transport for London. Incidents of harassment would come under that obligation. But this obligation is not something that is widely used across the country. In fact, Stephen Salmon, director of policy development from the Confederation of Passenger Transport, described it as ‘extremely rare’ and ‘virtually unknown’ outside London. Transport for London has its own travel mentoring programme helping people make their journeys. It runs a quarterly meeting with young people with learning disabilities around what they can do to make themselves safer when they are travelling on the network.

Working with other agencies

The Inquiry identified examples of both good and ineffective inter-agency working. Agencies’ working together before an issue becomes ‘critical’ is seen as important. We wish to see greater progress made by public authorities to foster good relations. Examples of this work could include public authorities in the same locality working together to tackle the prejudice and hostility that disabled people can experience when using public transport.

Recommendations

Our full report sets out measures which our evidence suggests could help prevent disability related harassment and improve responses to it. Over the next six months we will consult widely with stakeholders on whether these are the right steps, how they might work and whether there are any other measures which might be more effective. We are keen to engage with all parties to find out how the improvement can be achieved for the most reasonable cost. Most importantly, we recognise that we will only succeed in effecting change when others take responsibility and ownership for these recommendations.

Seven core recommendations

At this stage, it is clear that there are seven areas where improvements will show to us that society is achieving real progress in tackling harassment:

- There is **real ownership** of the issue in organisations critical to dealing with harassment. Leaders show strong personal commitment and determination to deliver change.
- **Definitive data** is available which spells out the scale, severity and nature of disability harassment and enables better monitoring of the performance of those responsible for dealing with it.
- The Criminal Justice System is more **accessible and responsive to victims** and disabled people and provides effective support to them.
- We have a **better understanding** of the motivations and circumstances of perpetrators and are able to more effectively design interventions.
- The wider community has a more **positive attitude towards disabled people** and better understands the nature of the problem.
- **Promising approaches** to preventing and responding to harassment and support systems for those who require them have been **evaluated** and disseminated.
- All **frontline staff** who may be required to recognise and respond to issues of disability-related harassment have received effective **guidance and training**.

A number of more detailed recommendations lie beneath these seven core areas including:

- Removing all barriers to reporting for disabled people and putting in place processes to encourage reporting;
- Improving data collection and recording;
- Using the public sector equality duty as a framework for helping promote positive images of disabled people and redressing disproportionate representation of disabled people across all areas of public life;
- Encouraging all individuals and organisations to recognise, report and respond to any incidences of disability related harassment they may encounter.

Specific recommendations for public transport

In addition to the core recommendations, there are recommendations targeted at different sectors, including public transport:

- Transport providers should identify ways to design out potential for conflict in new fleet and transport infrastructure design. For example, they should review their vehicles and waiting areas to ensure that conflicts between disabled passengers and those with pushchairs are minimised. They should also ensure that disabled access provisions are clearly identified and enforced and promptly resolve any disputes regarding these.
- Public transport operators should develop reciprocal reporting arrangements between providers so that people can report harassment experienced at stops, stations and on transport to whichever operator they encounter. They should also develop systems to allow repeat perpetrators to be refused entry to each other's vehicles (similar to those already used by licensed premises).
- Regular disability equality training should be provided for frontline staff on handling disability-related harassment and clear guidance to staff on routes to take when reporting an incident. This should be included as part of core training, before transport staff work with the public.

- Disabled people should be involved in public transport policy development and transport providers should work in partnership with criminal justice agencies to reduce risk on and around transport provision.
- Data on high risk areas and subsequent actions to reduce risk should be collated. Based on this data they should provide adequate protection where known high risks exist, in the same way as other provision is made, for example, around football matches.

The Commission will seek to progress and finalise the recommendations in partnership with the various groups and agencies in the coming months. But everyone should be aware that disability-related harassment is predominantly a social problem and one that, in the final analysis, also requires an individual response and commitment to change.