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NEWS REPORT

Country:	United Kingdom
Title:	Disability Discrimination and Reasonable Adjustments; FirstGroup Plc v Paulley [2017] UKSC 4
Date:	20 January 2017
Expert:	Lucy Vickers
<u>Context</u>	
Issue at stake:	Reasonable accommodation of wheelchair user on bus
Ground of discrimination:	Disability
Source:	National Court Decision; Supreme Court (SC)
Field:	Access to services
Applicable law:	Equality Act 2010

Content

Case law development: The claimant was a wheelchair user who wished to board a bus, but the designated space for wheelchairs was already occupied by a woman with a sleeping child in a pushchair. A notice by the wheelchair space said 'Please give up this space for a wheelchair user' but the woman refused to move when asked by the bus driver. The bus driver did not insist that she move, and the claimant had to wait for the next bus. The claimant issued proceedings for disability discrimination on the basis that the bus company had failed to make a reasonable adjustment. By the time of the trial, the bus company's policy was to provide spaces for wheelchairs on buses and to ask other passengers to move to make space for wheelchair users. However, the policy stated that if passengers refused to move, the company would not compel passengers to move. The question for the court was whether this policy was sufficient to avoid disability discrimination in the provision of services.

Decision of the Court: The Supreme Court decided that in order to meet its obligations under the Equality Act 2010, the bus company needed a stronger, more prescriptive, policy. The bus driver should be able to do more than just ask a passenger to move, and could make it plain that this was a requirement. A driver could thus require other passengers to move to accommodate a wheelchair user, where it is reasonable to do so. It might be necessary to apply some pressure to other passengers to require them to comply with an instruction to leave the bus, for example by stopping the bus and requiring the passenger to move. However, it was accepted that a driver would not need to go so far as to force a passenger to leave the bus.¹ The majority of the Court declined to award damages to the claimant as it was not clear that it would have made a difference in this case if the bus company had required its drivers to be more forceful.

Key points of analysis: The case requires service providers to take more proactive steps to ensure that disabled users have equal access to services such as public

¹ Supreme Court, *FirstGroup Plc v Paulley* [2017] UKSC 4 (18 January 2017).

transport. Bus drivers will need to assess what is reasonable in the circumstances, but can be expected to show a degree of initiative to meet the needs of disabled service users.

Internet link source: <https://www.supremecourt.uk/cases/docs/uksc-2015-0025-judgment.pdf>.