

Oct 29th

2015

FIRMITIES and Aid-s

FAO

C. Christie
Comm. Transport Officer
Swansea Security Council

I became a resident in Pontarddulais a little over five years ago. Advancing years (I am in my 79th year) and mobility problems being the reason, no stairs or steps to climb. I learned to use a community car scheme and used it to shop locally and when the need arose for visits to the doctor. I also used the service to obtain library books. The car scheme operates Monday to Friday. The car drivers are volunteers again in the advanced age group. Even in my early days of using the cars I was experiencing difficulty because of the lack of grab handles. I passed comment on the lack and the return comment 'others have complained'. This then was the beginning of my education on the issue. My last outing in the community car was more than three years ago and was such an embarrassment because I was desperately trying to grab on to anything which would aid me in transit. I learned that commercial taxis by law, have grab handles in their vehicles. I also learned a little on the 2010 Access law.

To have the situation rectified my contacts were numerous and varied which can be inspected by the file I have and had to put together because the issue became more complicated than I ever could have imagined. Sadly and unfortunately for me the main obstruction was at the most local level. My frustration increased with every reply from those to whom I appealed for help. There are so many organizations with the interest of the wellbeing of the elderly and yet, none with a solution.

I bought two pieces of equipment advertised as an aid to the problems experienced by elderly ease of passage into a vehicle, I offered the purchases to the organizer of the community car scheme for them to be independently tested. The offer was refused, I offered to pay for grab handles to be installed. The initial difficulty was one which could and should have been so easily resolved. Even the car manufacturer offered to post grab handles to the car scheme.

The two community cars are advertised as mobility friendly and have wheel chair and ramp access. However some of us do not require wheelchair. Furthermore a grab handle is all we need to retain a degree of independent control. In some instances wheelchair access only, can add unnecessary stress.

We in Pontarddulais are fortunate in that we have such a service. Not all communities are so served. If one of the lasting lessons of this unfortunate lengthy episode is to be taken onboard then it has to be at the level prior to funding being granted. Information gleaned by me included 'inspection of the vehicles was extensive' (Welsh Assembly) Oops inspector someone has never been witness to a disabled person make use of grab handles.

Maggie Macleod (no prefix)

I could cry just received a letter via AM office which does not help me move forward. Can anyone understand my helplessness? Need to attend doctor's surgery for check up on my thyroxin level blood sugar Can and blood pressure. My blood pressure reading at the moment would not be low! I received a letter via AM office (July), last paragraph reads as follows -A new vehicle is to be purchased by the car scheme by the end of this year and will need to be suitable for all users of the service. Therefore it will have to have a grab rail in order to adhere to the guidelines for accessibility or else future funding will be effected. Heaven forbid that should be so. If someone would only listen no need for new car just install grab handle. The excuse made from the car scheme - a grab handle would interfere with the airbag. The roof is not the only spot a grab handle can be fitted. I bought and offered two pieces of equipment which is an aid for older people to get in and out of vehicles. I bought and offered two pieces of equipment which is an aid for older people to get in and out of vehicles. I could cry. I want a little of independent living, to discuss with my physician, to visit a social place where people gather for coffee etc .I shop online needs must. Runs a poor second to an outing. Although by having two hips and two knees in need of replacing long excursions are not possible.

EDWINA HART AM
National Assembly Member for Gower

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

OurRef: EH.tr.McCleod.7.14

08/07/2014

Dear Ms McLeod

Accessibility to Pontarddulais Community Car Scheme

Mrs Hart has asked me to write to you with information regarding the issues you raised in relation to accessibility to Pontarddulais Community Car Scheme.

Mrs Hart understands that the previous vehicle used by the scheme was replaced by the vehicle that you have not been able to use as it has not got a grab rail. Mrs Hart has been advised that a new vehicle is to be purchased this year by Pontarddulais Community Car Scheme and that the vehicle should have an appropriate grab handle. Council officials have advised the Pontarddulais Community Car Scheme that vehicles need to be appropriate to the needs of the users and that if appropriate vehicles are not used then there could be funding implications for the car scheme in the future. Local Authorities need to take full account of the provisions contained in the Equality Act 2010 and all associated regulations and guidance regarding the accessibility of vehicles to disabled people when awarding grants.

Local authorities should seek to promote accessibility through the provision of more accessible vehicles and to pay particular attention to vehicle standards that meets the needs of people with impaired mobility. While, there is currently no universal requirement for community transport providers to be part of a quality assurance scheme or for their drivers to undertake disability awareness training as part of their Certificate of Professional Competence. Mrs Hart is aware that The Community Transport Association offers members Driver Certificate of Professional Competence Training. As part of that programme, the CTA offers a course counting towards training focusing on safe transportation of people with disabilities on small passenger carrying vehicles.

The CTA also operates a charter mark scheme. The Standards have been written to confirm that organisations gaining the award are working in accordance with legislation and best practice within the voluntary sector. Vehicles operated by the organisation are assessed as part of the quality charter mark scheme.

Welsh Government officials are looking at proposals to strengthen the guidance of local authorities and eligibility criteria on which awards to Community Transport Organisations is made.

I trust that this information is of interest to you. To recap, a new vehicle is to be purchased by the car scheme this year and it will need to be suitable for all users of the service. Therefore it will have to have a grab rail in order to adhere to the guidelines for accessibility or else future funding will be effected.

I will keep your name and address on file and may send you information on matters that might be of interest to you. However, please contact my office if you would prefer me not to do so.

Contact: Thomas Rees Office Assistant for Edwina Hart AM

We

Transcript of email received at 16.40 10th November 2014

Subject Community Car scheme

Reference number 14 11 1 0 000021

Subject Reasonable Adjustment Duty

Dear Maggie Macleod

As promised in our call we discussed an issue where you are at a disadvantage when using pont ar
community car scheme. It appears that the passenger seat does not have a support
handle. As you suffer mobility issues this places you at a substantial disadvantage compared to a
person without your condition.

Disability is one of the 9 protected characteristics of the Equality Act 2010. Under the Act a
disability is defined as a physical or mental impairment which has a substantial long term and
adverse effect on a person's ability to carry out everyday activities. Substantial would mean
anything more than minor or trivial, long term would mean that the condition has lasted at least a
year or is looking to last that long. And everyday activities would be things such as making food,
walking or communicating with others.

Under the Equality Act a service provider has a participatory duty to make reasonable adjustments
to eliminate any disadvantages had by a disabled service user. If the lack of an auxiliary aid or
physical feature is what places you at a disadvantage, the duty would be triggered and should
include making the necessary change to eliminate the disadvantage that you are faced with.

The only occasion where a service provider can justify not making an adjustment would be if they
can successfully show why the request is unreasonable. This may be the case if the adjustments
that you ask for is something that the service can not reasonably access.

I hope this is useful information to support the letter that you are sending to your AM. Please do not
hesitate to return to us further for further advice or to update us on your progress.

Regards

Equality Advisory Support Services

EDWINA HART AM
National Assembly Member for Gower

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Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Our Ref:EH.rj.McLeod.M.11.14.3.

19 November 2014

Dear Ms McCleod,

Re: Pontarddulais Community Car Scheme

I write to acknowledge receipt and thank you for your letter dated 10 November 2014. I can confirm your understanding of our conversation at the surgery on Friday 7 November 2014; in that during a recent discussion with a representative of Pontarddulais Community Car Scheme a member of my staff was told that the PCC would not be changing its vehicle/vehicles by the end of this year. I can also tell you that officials in my ministerial department will be drawing up and issuing new guidance for community car schemes and accessibility/

Yours sincerely

Edwina Hart AM

I will keep your name and address on file and may send you information on matters that might be of interest to you. However, please contact my office if you would prefer me not to do so.

Contact: Rosemary Jones, Office Manager for Edwina Hart

v



Cambrian Buildings
Mount Stuart Square
Cardiff CF10 5FL

Adeiladau Cambrian
Sgwar Mount Stuart
Caerdydd CF10 5FL

18 November 2014

Our Reference: 201400809

Dear Maggie

As we discussed during our conversation today, in order to raise the issue you've raised with bodies such as the Welsh Government and Swansea Council, I may need to show that I have your explicit consent to act on your behalf. If you could therefore sign the enclosed consent form and return it to me in the envelope provided, I would be grateful.

As soon as I've had the opportunity to make enquiries on your behalf, I will contact you again to discuss these matters further.

Thank you once again for raising this issue with the Commissioner's office.

Yours sincerely

Tomos Jones

Case Worker – Protection and Scrutiny Team

Older People's Commissioner for Wales





Older People's Commissioner for Wales
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02 December 2014

Our Reference: 201400809

Dear Maggie

Please find enclosed a copy of the letter which I have today sent to the Pontarddulais & District Community Car Scheme.

Once I receive a response to my letter, I will contact you again to discuss the issues further.

In the meantime, if you have any additional queries; please do not hesitate to contact me directly.

Yours sincerely

Tomos Jones

Case Worker – Protection and Scrutiny Team

Older People's Commissioner for Wales



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02 December 2014

Our Reference: 201400809

To whom it may concern

I am writing on behalf of the Older People's Commissioner for Wales; who is tasked within law for ensuring that the rights of older people in Wales are respected.

The Commissioner's office has recently been contacted by an individual who wishes to make use of the Pontarddulais & District Community Car Scheme, but has been unable to do so as the cars used aren't adapted to meet the needs of their disability. Being able to access the scheme in this instance would be a real benefit as it would not only allow them to live a more social and outgoing life, but to also attend medical appointments which can be of an urgent nature.

I'm in no doubt that the community car scheme is a valuable asset to those who use it, and that the volunteers who give their time to this service can only be commended. However, the Equality Act places a duty on service providers to make reasonable adjustments which would eliminate any disadvantages that could prevent a disabled person from accessing the service. I understand that in this instance it is the lack of a suitable grab-handle which is preventing access to the cars used, and it is these sorts of limitations which the Equality Act seeks to address.



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02 February 2015

Our Reference: 201400809

Dear Maggie

I'm writing following our previous telephone conversation. As I explained at the time, it was my intention to discuss the issues you'd raised with Disability Wales to try and clarify how the Equality Act 2010 applies in this circumstance. I have now had the opportunity to speak with Disabilities Wales, and I have also discussed the matter with the Equality Advisory Service. During these conversations, I discussed your circumstances, the nature of the car scheme, and the actions taken by Mr Richards of the Community Car Scheme in exploring these issues.

I was informed that the fact that the Car Scheme does already offer a fully adapted car would in most likelihood place them in compliance with the Equality Act. Whilst there is a duty under the Act to anticipate the needs of service users with protected characteristics, there is some flexibility within this and the Act recognises that not all needs can be anticipated. Additionally, I was informed that the actions taken by Mr Richards in discussing the possibility of installing grab handles with the car's manufacturers, and the obstruction this might cause for the airbags, could be justified in itself as a reason not to install the handles.

I realise that this information will be disappointing to you, and it is of course frustrating that the car scheme is currently unable to install the adaptations which would allow you to make use of their service. I will therefore be writing a further letter to Mr Richards of the Community Car



Commissioner Sarah Rochira,
Cambrian Buildings,
Mount Stuart Square,
Butetown,
Cardiff CF10 5FL



24th April 2015

Dear Commissioner,

I am enclosing a copy of a letter received by me in the month of July 2014. I would have hoped that the letter would mean that at last I could make use of the community cars for this town and surrounds. One of your staff handled the 'the case'. However this was not to be because of a getout provided for in the wording of the discrimination act of 2011.

I have repeatedly attempted to state that a wheelchair and ramp are not helpful for me, in fact to attempt to use these devices would add to my discomfort and stress because of the multiple health conditions. Not only for would my needs should be considered also the wellbeing of the voluntary drivers of the vehicles who are themselves elderly. If commercial taxis are, by law compelled to have grab handles then the same criteria should be met by a community taxis service.

In two months time I will have reached the age of seventy seven, *and dislike that I am housebound for the want of a solution. I have repeatedly tried to make of a remedy, firstly by offering to pay for the installation of grab handles, then by purchasing enablers which allows for car access for the infirm and elderly. Advancing technology has allowed that I can shop online and therefore extends the time I can spend in independent living.*

We the user pay for the service, others have mentioned the lack of grab handles but have not had to be so reliant on the service as myself. In two weeks time to go to the polls to use our democratic right to vote, I wish to do just that and not by proxy, in person and for the present the only means I have to do that is to order a commercial taxi and for the taxi to wait until I have placed my X to transport me home.

I would like to believe that through the medium of your office I will have a solution that befits the needs of persons such as myself. Yes I am now becoming increasingly frustrated and angered despite my numerous pleas to organizations and Bodys listed as helpers in such circumstances.

Sincerely

A handwritten signature in cursive script that reads "Maggie Macleod".

MAGGIE Macleod (no prefix)



BYRON DAVIES
Member of Parliament for Gower

House of Commons
London SW1A 0AA



9 June 2015
Our Ref: ZA14093

Dear Ms McCloud,

PONTARDDULAIS COMMUNITY CAR SERVICE

I refer to your recent enquiry to these offices regarding the above service.

As I understand, although one of the cars is fitted for wheelchair users, you feel that this is inadequate for your purposes. You felt that a 'grab' bar would be better suited.

Unfortunately, modern cars now have airbags in the front passenger's position and the placing of a 'grab bar' on the front panel would be contrary to Health and Safety Regulations.

The opportunity to use the wheelchair facility to access the vehicle and allow you to enjoy life outside your home, is still open to you. You would not need to use a wheelchair in the street, but purely for access purposes.

I trust this information is of assistance to you. If you have any further queries please do not hesitate to contact me.

Yours sincerely,

H. Byron Davies
Member of Parliament for Gower

SHODDY HAS NOTHING ON

31st August 2015

The search for a grab handle and escape from the 24/7 house confinement. One would think that going to source would be an easy route to a solution. One would think! It could be very close to a solution but for the inability of a Giant car manufacturer to join the dots. Just because something is not done ie grab handles fitted to Renault Kangoo range which includes the model Lic. no. CU 11 EPE used by the local community car scheme, does not mean an adjustment should be excluded. A car service workshop in Cardiff has indicated they could do the work for the sum of £200 and yes I would willingly pay said sum to have the independence of movement. . . When I made the short journey to take the kittens to a vet the part of the trip that was stimulating, enjoyable was looking out on building and places which I would have previously ignored as being drab. My first outing in five months.

So despite contact with two of Renault employees I failed to penetrate the its not done and therefore cannot be done. A car repair unit in Llanelli is prepared to do the work at the princely sum of £35 I have to supply grab handle, To be or not to be that's the rub. I can view Renault grab handles for sale via e-bay but hesitate to make an offer: would need someone far more savvy than me on the technical of what's what.

I had contacted one of the persons involved in the community car scheme in the late autumn of last year and I was led to believe that a new car would be bought in January which to quote 'I can assure will have a grab handle'. I waited until mid January to renew contact with this person only for my freedom hopes to be dashed - no money...

I would suggest it is not no money, it is lack of Will.