

# Wheelchair Accessible Taxi Preferential Hiring Compliance Procedure

## 1. Purpose

The purpose of this procedure is to outline the Point to Point Transport Commission's (the Commission) approach to implementing the *Wheelchair Accessible Taxi Licence Compliance Policy*. The procedure outlines the steps involved to identify low performing Wheelchair Accessible Taxi (WAT) licence holders against the requirement to give preference to hirings from persons in wheelchairs, and an initial warning letter approach before proceeding to sanctions, up to cancelling a WAT licence.

## 2. Mandatory requirements

### 2.1 Establishing a baseline performance for WAT licence holders

The Sanctions Team, with assistance from the Data and Analytics Team, will benchmark WAT licence holders in their performance against the requirement to give preference to hirings from a person in a wheelchair. Data is available quarterly and obtained from the Taxi Transport Subsidy Scheme (TTSS) Speedscan Portal. This data provides an indication of a licence holder's performance against the requirement to give preference to a hiring from a person in a wheelchair, but is not the sole source of data as outlined below. An initial baseline quarter is established from which to assess a WAT licence holder's performance in subsequent quarters.

WAT licence holders providing services in the Metropolitan Transport District and Non-Metropolitan areas are identified before categorising licence holders into the following performance categories:

- Low Performers – bottom 20%.
- Low to Middle Performers – bottom 21 - 40%.
- Middle Performers – 41 – 60%.

Data for Low Performers and Low to Middle Performers that have been providing services for six (6) months or more are identified at this time. New WAT Licence holders' performance for the first three (3) months of service provision is not considered.

Middle Performers are identified and monitored in subsequent quarters to see if they fall into lower categories, at which time the applicable warning letter may be sent.

### 2.2 WAT licence holders providing services more than 6 months

WAT licence holders providing services for greater than six (6) months are deemed to have had sufficient time to refine their business model and have procedures in place to meet their licence conditions. Paragraph 2.3 of the *WAT Licence Compliance Policy* is to be considered before deciding whether to send a warning letter to WAT licence holders in non-Metropolitan areas.

#### 2.2.1 Bottom 20% of performers

WAT licence holders in this category and providing services in the Metropolitan Transport District will be sent a warning letter that their performance is being monitored and that their licence could be cancelled should their performance not improve. The letter will inform the licence holder that no action is being taken in respect of the licence at this time, but could commence in the future following further investigation.

A similar warning letter may be sent to WAT licence holders in non-Metropolitan areas after having considered Paragraph 2.3 of the *WAT Licence Compliance Policy* and determining that there is another WAT vehicle or vehicles in the area capable of meeting the demand for wheelchair accessible services.

In the event that a WAT licence holder in this category receives a warning letter and their performance does not improve in the next quarter, they will be issued with a notice to show cause as to why their licence should not be cancelled. Refer to Paragraph 2.4 below on factors to consider before issuing a show cause notice.

If a WAT licence holder's performance improves and they move up to the next category in the subsequent quarter, any applicable warning letter process for the 21 - 40% category is to be followed at that time.

### **2.2.2 Bottom 21 – 40% of performers**

WAT licence holders in this category and providing services in the Metropolitan Transport District will be sent a warning letter that their performance is being monitored and that sanctions may be considered in the future if they fall into the bottom 20% of performers.

A similar warning letter may be sent to WAT licence holders in non-Metropolitan areas after having considered Paragraph 2.3 of the *WAT Licence Compliance Policy* and determining that there is another WAT vehicle or vehicles in the area capable of meeting the demand for wheelchair accessible services.

In the event that a WAT licence holder in this category receives a warning letter and their performance falls into the bottom 20% in the next quarter, they will be issued with a notice to show cause as to why their licence should not be cancelled. Refer to Paragraph 2.4 below on factors to consider before issuing a show cause notice.

In the event that performance improves into the 41 - 60% category, performance will be monitored to ensure they don't fall into a lower category again in subsequent quarters. If they do fall back into a lower category in the future, any applicable warning letter will be sent at that time.

## **2.3 Further evidence collection ahead of show cause notice**

The Sanctions Team will gather additional evidence ahead of issuing a show cause notice to a WAT licence holder assessed as being in the bottom 20% of performers in two (2) consecutive quarters. This may include obtaining booking data such as the number of WAT bookings or bookings refused, and the amount of time the WAT vehicle was available for hire (if available).

This step will again consider the number of WAT vehicles providing services in an area so as to

comply with Paragraph 2.3 of the *WAT Licence Compliance Policy*. This is to ensure that there remains a WAT vehicle in localities, particularly in non-Metropolitan areas, where there is a demand for a WAT. The assessment of the number of WATs in a locality will also consider the capacity of the other WATs to take on additional work in the event a WAT licence is cancelled (see Paragraph 2.3 of the *WAT Licence Compliance Policy*).

The collection of further evidence is undertaken in order to build a case for sanctions and to assist in refuting claims from a WAT licence holder that they had been accepting hirings from a person in a wheelchair.

## 2.4 Issuing show cause notices to low performers

Once the Sanctions Team has collected further evidence, assessed the locality of a low performing WAT and formed the view that a show cause notice is appropriate, such a notice will be issued to the licence holder identified in Salesforce. This show cause notice will give the licence holder 14 days in which to respond and provide evidence on why their licence should not be cancelled.

Acceptable evidence that could lead to the Commission not immediately cancelling a WAT licence includes, but is not limited to, proof of work for community transport organisations, Department of Veterans' Affairs or for the assisted school travel program.

Should a WAT licence holder not provide sufficient evidence or not respond to the show cause notice, the Manager Sanctions will consider cancelling the taxi licence based on the evidence available.

## 3. Accountabilities

Functions relating to taxi licences are generally performed by staff in the Operations Branch of the Commission under delegation from the Commissioner.

## 4. Breaches of this policy

TfNSW may commence applicable disciplinary action if a person to whom this Policy applies breaches this Policy (or any of its related Procedures), including and up to termination of employment.

## 5. Document history

Date & Policy No	Approved by	Amendment Notes
26 September 2018 OP18028	Point to Point Transport Commissioner	Approved
12 October 2018 OP18028	Point to Point Transport Commissioner	Approved for website publication