



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Concessionary Travel Scheme Guidance: A Common Approach to Eligibility

(With effect from 20 October 2014)



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This guidance has been reviewed by the Welsh Government and officers representing local authorities.

BACKGROUND

1. The Transport Act 2000 (“the 2000 Act”) requires travel concession authorities (“authorities”) in Wales to issue a concessionary travel pass to any applicant resident in its area who is aged 60 or over or a disabled person. Authorities are responsible for assessing and determining eligibility in accordance with the statutory definitions of disability set out in Section 146 of the 2000 Act, taking into account information contained in this guidance.
2. Section 145B(3) of the 2000 Act specifies that an authority must offer the concession to people aged 60 or over and to disabled people whose sole or principal residence is in the authority’s area. The authority is responsible for assessing residency. There is no obligation to issue a concessionary travel pass to those who are temporarily staying in an area.
3. This Guidance has no special authority in regard to matters of legal interpretation. Where there appear to be differences between Guidance and the Regulations¹/Act, legislation always takes precedence.

¹ Travel Concessions (Eligible Services) Order 2002

SOCIAL MODEL OF DISABILITY AND THE EQUALITY ACT 2010

Introduction

4. The social model of disability does not focus on a person's impairment as the cause of disability. It makes an important distinction between 'impairment' and 'disability'. It explains disability as an outcome of the way the environment is constructed, how a service is delivered or the attitudes of those providing services.

5. This model is recognised by disabled people and the Welsh Government formally adopted it in 2002. However, it is constrained by a legal format based historically on the medical model. To aid interpretation we have included some medical terms used in the legislation underpinning the scheme and highlight them by use of "".

What is the medical model of disability?

6. The medical model of disability was the more traditional understanding of disability in which disability was equated with impairment. Disability was seen as a result of a physical condition, inevitably reducing the individual's life chances. According to this model, a compassionate or just society should invest resources to attempt to cure 'disabilities' (impairments) medically or to improve functioning and make disabled persons more "normal". Under the medical model, the medical profession had significant responsibility and potential for helping disabled people.

7. The medical model of disability saw a disabled person as a problem - the focus was on the impairment, rather than removing the barriers which affected the person.

How does the social model of disability differ from the medical model of disability?

8. The social model is about equality and removing barriers which prevent disabled people from participating in society on an equal basis with their non-disabled peers.

Implementing the social model

9. It is important that the process of assessing eligibility for a concessionary bus pass correctly identifies people who require a pass to overcome the barriers they face in travelling. General awareness of the social model is required across the public sector, and by the general public.
10. Section 20 of the Equality Act 2010 requires service providers to take reasonable steps to ensure that all people with protected characteristics are not put at a substantial disadvantage compared to other people when accessing services.
11. The Equality Act introduced a Public Sector Equality Duty requiring public bodies - including local authorities - to have due regard to the need to:
 - Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Equality Act;

- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

ELIGIBILITY

12. The applicant is responsible for proving their entitlement by providing the documentary evidence as set out below.

13. Four broad categories of people should be considered for a statutory concession, once residency has been confirmed.
 - People aged 60 and over;
 - Eligible disabled people (where no age limits apply) – there are seven categories of disabled people who are entitled to the concessionary bus pass (details are set out below);
 - Companions of “severely” disabled people who meet specific criteria and who are entitled to free travel only when accompanying a companion pass holder (but passes in these cases should not be issued automatically); and
 - “Seriously” injured service personnel or “seriously” injured service veterans who meet specific criteria.

RESIDENCY

HOUSEHOLD

14. The applicant is responsible for providing evidence to satisfy the authority that their principal or primary residence is in the authority's area. Applicants may provide proof of eligibility in a variety of ways.

15. Authorities must consider any of the following as proof of residency.
 - A Council Tax bill.
 - Evidence of rent payments.
 - A current driving licence, or
 - Benefit and pension documents.

16. If the applicant is unable to provide such documentation, authorities must also consider any of the following as proof of residency:
 - Utility bill.
 - Evidence of an exemption from responsibility for Council Tax payments.
 - Confirmation that the applicant is on the Electoral Roll.
 - Evidence that the applicant is a dependent of a person resident in the authority's area, or
 - Evidence that the applicant is in the care of the local authority or an approved agency and is resident in the authority's area.

17. The documents and evidence listed above are not exhaustive and authorities may consider other appropriate documents or evidence submitted as proof of residency.

NON-HOUSEHOLD

Residential Caravan Site

18. The Welsh Government considers that applicants who reside on a residential caravan site (as determined by the planning consent for the site) are entitled to the national concession, provided that they are able to demonstrate that the site is their principal residence.

19. To demonstrate eligibility through residency, applicants must provide evidence as outlined above.

Homeless Person

20. A homeless person meeting the eligibility criteria is entitled to the national concession. Some homeless people may be able to provide documentation that they are in receipt of State benefits or a letter from their local Social Services Department or some other agency (e.g. the Probation Service) to support an application for a concessionary travel pass.

APPLICANTS BY AGE

21. Under Section 146 of the 2000 Act, as amended by The Travel Concessions (Extension of Entitlement) (Wales) Order 2001, all persons attaining 60 years of age, automatically qualify for a concessionary bus pass.

22. Applicants are responsible for demonstrating eligibility by age through producing documentation such as the following:
 - A current driving licence, or

- A current passport, or
- A birth certificate.

APPLICANTS WITH IMPAIRMENTS

23. Under the 2000 Act a local authority determines whether someone meets the eligibility criteria for a concessionary bus pass. However, they must have regard to this guidance on eligibility of disabled people (see Section 145B(6) of the 2000 Act). Section 146 of the 2000 Act details the criteria under which a person may be entitled to concessionary bus travel.
24. The Welsh Government strongly recommends that, when a local authority issues a concessionary pass, it keeps a record of the criteria under which the person qualifies and details of any assessment.
25. To meet the eligibility criteria, the impairment or condition should be permanent, or have lasted at least 12 months; or is likely to last at least 12 months; or likely to recur. The impairment will substantially impact on a person's ability to undertake day to day activities.
26. The impairment may fluctuate and local authorities will need to be satisfied that there is an ongoing impact throughout the period the pass is issued.
27. The Welsh Government recommends that the authority should consider the impact of the impairment when setting an expiry date for the pass.

28. One of the most robust ways of assessing eligibility is using relevant State benefits that have already established the barriers faced by the applicant. Applicants must provide documentary evidence of their entitlement, for example the benefit or award notice letter.

Independent evidence

29. If there is any doubt about eligibility, the authority may require the applicant to obtain independent evidence from an appropriately qualified medical, health or social care professional to support the application, for example a General Practitioner, an Occupational Health Nurse or an Occupational Therapist. Evidence may already be available if the applicant has been assessed for other local authority or health services.
30. Alternatively, the authority may be able to undertake a desk-based assessment in line with assessments undertaken for a Blue Badge. Only if there is no other available information and the application has already taken longer than the authority's target period for assessment, should a suitably qualified medical, health or social care professional be consulted (see paragraph 29).
31. The applicant is responsible for ensuring that any fee levied to cover the cost of an assessment is met. Local authorities have no duty to reimburse any such fees. Some Local Health Boards may have an arrangement whereby they reimburse the relevant local authority for the cost of an assessment, but that is determined locally.

Automatic or fast track entitlement

32. Automatic entitlement to a concessionary bus pass (i.e. not requiring further assessment) applies where a person who meets the residency criterion has been awarded one of the following State benefits.

- The Higher Rate Mobility Component of the Disability Living Allowance (HRMCDLA), or
- The War Pensioner's Mobility Supplement (WPMS), or
- An award under Tariffs 1-8 of the War Veterans Compensation Scheme (AFCS), or
- Personal Independence Payment, award having attained:
 - 8 or more points under Communicating Verbally Descriptor 7; or
 - 12 points under Mobility Descriptor 11 "Planning and Following a Journey", or
 - 8 or more points under Mobility Descriptor 12 "Moving Around".

COMPANIONS

33. A “severely” disabled person may be eligible for a companion pass so that they would have the assistance of one appropriate companion (without age limit) when making a journey. A companion pass should be made available to people who are eligible for a pass because they meet one or more of the seven categories of disability and are unable - or on occasions are unable - to travel without help or supervision.
34. For example people with:
- Learning difficulties.
 - Challenging behaviours, who need to be supervised at all times.
 - Cognitive and mental impairments (including people who have no awareness of risk).
 - A combination of visual and hearing loss that prevents independent mobility, or
 - Difficulties using a wheelchair independently.
35. The impairment may mean that the pass holder does not need assistance on every journey. But where assistance is required, the companion should accompany the pass holder for the whole of the bus journey.
36. For the avoidance of doubt, companions are not themselves issued with a pass, nor are they able to travel for free unless accompanying a companion pass holder.

37. If there is no other source of information, the need for a companion pass must be verified by an appropriately qualified medical, health or social care professional (see paragraph 29), in accordance with an authority's required assessment procedure.
38. A person is eligible to receive a companion pass where there is medical, health or social care evidence or information available that indicates they may be unable to safely make a journey by public transport themselves. However, as already stated, the effect of the impairment may mean that the pass holder does not need assistance on every journey.
39. It may be possible to identify people meeting these criteria by checking their benefit award, as previously detailed. Another source of information is registration on the local authority learning disability register.
40. For example a person in receipt of a Personal Independence Payment award for "Planning and Following a Journey", once having undertaken journeys to the same place, could do that route alone. However, a more complex journey for them may still require the assistance of a companion.
41. A disabled person already in receipt of a concessionary pass (or someone who would be issued with one were they to apply) may be eligible to apply for a companion pass if s/he is in receipt of a Personal Independence Payment award having attained:

- 12 points under Mobility Descriptor 11, “Planning and Following a Journey”; OR
 - 12 or more points under Mobility Descriptor 12, “Moving Around”.
42. The applicant is responsible for ensuring that a fee levied to cover the cost of any assessment is met. Local authorities have no duty to reimburse any such fees.
43. A bus driver must not refuse free travel to a pass holder other than for safety reasons, unless the pass has been hot listed or expired. If a driver is concerned about the holder of a companion pass travelling without a companion, the driver should note the pass details and report their concerns to the bus company.
44. Similarly, if the bus driver believes that the companion appears unsuitable for that responsibility (e.g. a young child accompanying an adult pass holder), the driver must not refuse free travel to that pass holder - or, by extension, the companion - unless for safety reasons. Again, the driver should note the pass details and report their concerns to the bus company.
45. When notified by a driver, the bus company should notify the relevant local authority which will need to decide whether further enquiries are necessary.

CATEGORIES OF ELIGIBILITY

46. To reiterate, the applicant is responsible for ensuring that a fee levied to cover the cost of any assessment is met. Local authorities have no duty to reimburse any such fees.

People with Sight Loss

47. Eligibility for a bus pass in the case of sight loss means the applicant has a high degree of sight loss (i.e. seeing much less than is normal, or perhaps nothing at all).
48. People with sight loss may register with their local authority's Social Services Department. For registration purposes, the terms used are "severely sight impaired" and "sight impaired". The formal notification required to register is a Certificate of Vision Impairment (CVI), signed by a Consultant Ophthalmologist (eye specialist).
49. For this to happen, an Ophthalmologist must have completed a form and submitted it to the person's local Social Services Department. In general terms, a person may be registered as "severely" sight impaired if they cannot see (with glasses, if worn) the top letter of the eye test chart (used by doctors and opticians) at a distance of three metres or less.
50. A person may be registered as having sight loss if they have a full field of vision but can only read the top letter of the eye test chart at a distance of six metres or less (with glasses, if worn).

51. However, if they can read the next three lines down at the same distance, but the field of vision is either moderately or severely restricted, they may still qualify for registration.
52. As registration is voluntary, local authorities may - where a person with sight loss is not on the local authority register of sight impairment - require evidence of eligibility to be registered as having sight impairment.

People who are “profoundly or severely” deaf

53. Hearing loss is measured in decibels, dBHL (Hearing Level). The quietest sounds people with “mild deafness” can hear are 25-39 decibels, while it is 40-69 decibels for people with “moderate deafness”, 70-94 decibels for people who are “severely” deaf and more than 95 decibels for those who are “profoundly” deaf. The concessionary bus pass should be made available to people who have “severe or profound” hearing loss.
54. There is no statutory registration system for people with hearing loss, but many will be registered voluntarily with their local authority Social Services Department. The register is open to people with varying degrees of hearing loss and so the authority will need to be satisfied that the applicant is “profoundly or severely” deaf.
55. Local authorities may, where appropriate, require applicants to show evidence of registration before issuing a permit, or evidence

that they could register (e.g. an audiological report, or a report from an aural specialist).

People who cannot speak

56. Included in this category are people who are unable to communicate orally in any language and may display one of the following:

- Inability to make clear, basic oral requests (e.g. to ask for a particular destination or fare).
- Inability to ask specific questions to clarify instructions (e.g. “Does this bus go to the High Street?”).

57. In the opinion of the Welsh Government, this category would not include people who are able to communicate orally but whose speech may be slow or difficult to understand because, for example, of a stammer.

58. It is for the applicant to provide appropriate evidence in support of an application made on these grounds.

A person with an impairment or injury that has a substantial long-term adverse effect on ability to walk

59. To qualify under this category, a person would have to have a long term and substantial impairment that means they cannot walk or which makes walking very difficult. Passes will be issued to people who cannot walk or can only walk with excessive effort and at an extremely slow pace, or with excessive pain. This criterion is

comparable to that required to claim the Higher Mobility Component of Disability Living Allowance or Personal Independence Payment.

60. Local authorities may wish to accept receipt of the following State benefits, which link eligibility for the benefit directly with the ability to walk, as evidence of eligibility under this definition:
- Higher Rate Mobility Component of Disability Living Allowance.
 - War Pensioner's Mobility Supplement.
 - Armed Forces Compensation Scheme award certified as having a permanent and substantial disability which causes inability to walk or very considerable difficulty walking.
 - Personal Independence Payment award having attained:
 - 12 points under Mobility Descriptor 11 “Planning and Following a Journey”, OR
 - 8 or more points under Mobility Descriptor 12 “Moving Around”.
61. Applicants claiming these benefits will be able to produce a benefit award letter (for example PIP 7006) as documentary evidence of their entitlement.
62. In assessing the eligibility of other applicants, local authorities will wish to consider the following:
- Whether the applicant can stand and then move using an aid or appliance more than 20 metres but no more than 50 metres, or
 - Whether a mobility aid (e.g. wheelchair, crutches, walking frame, or stick) is necessary.

- Whether the person requires oxygen to enable them to travel.
- Whether the person can only walk very slowly and with frequent stops.

63. Where the applicant is not in receipt of one of the benefits mentioned above (as possible examples), the applicant is responsible for providing medical, health or social care evidence to support the claim that their walking ability is permanently and substantially impaired.

People without arms or the long-term loss of the use of both arms

64. This category may include people with bilateral upper limb amputation; muscular dystrophy; spinal cord injury; motor neurone disease; or a condition with comparable impact on their independence.

65. This category would cover people who are unable to use their arms to carry out day-to-day tasks, such as paying coins into a fare machine. In these latter cases, it is for the applicant to provide evidence to support the application.

People with a Cognitive Impairment

66. A person with a cognitive impairment has a reduced ability to understand some new or complex information, a difficulty in learning some new skills, and may be unable to cope independently. The person should be able to qualify for specialist services and s/he may have had additional learning provision.

67. The applicant or their carers are responsible for obtaining medical, health or social care evidence of the cognitive impairment. The local authority may check any register of people that might be held by the Social Services Department that would help establish eligibility in these cases.

A condition such that if the person were to apply for a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, that application would be refused pursuant to section 92 of that Act (physical fitness) other than on the ground of persistent misuse of drugs or alcohol

68. Under Section 92 of the Road Traffic Act 1988, the issuing of a driving licence may be refused if the applicant has a notifiable condition which is defined by the DVLA.
69. 'Notifiable conditions include epilepsy, strokes, other neurological and mental health conditions, or physical disabilities and visual impairments that could affect the ability to drive safely'.
70. People who persistently misuse drugs or alcohol are not included and are therefore not entitled to concessionary travel.
71. It is not a condition of entitlement under this category that the disabled person should apply for and be refused a driving licence (which would be unduly burdensome for everyone involved). For eligible people, the local authority can be confident that a licence

would be refused and should therefore be able to issue the travel pass automatically.

72. Under the Motor Vehicles (Driving Licences) Regulations 1999 there are some conditions where driving licences can be issued, for example:

- People with restricted visual fields (who will be refused a licence if they do not have a horizontal field of vision of at least 120 degrees, or if they have significant scotoma encroaching within 20 degrees of the central fixation point in any meridian) or - sometimes - if they have restricted vertical fields of vision.
- People with diabetes who control the condition with insulin. Generally people with diabetes who control their condition with insulin can continue to drive - though their licence may be renewable on a one, two or three yearly basis. However, where the person experiences inhibitive hypoglycaemia which impacts on their day to day activities they will be prevented from driving until their diabetes is controlled.
- In the case of epilepsy if that person has not had an epileptic seizure while awake for a year or more, or has a history of seizures while asleep, and only while asleep, over the past three years or more.

73. The above list is not comprehensive. Where there is doubt about whether someone would be refused a driving licence, then the local authority is strongly advised to seek appropriate advice.

APPEALS

74. The relevant legislation does not allow for appeals but equally there is no limit on the number of times an applicant may apply for a pass.
75. The Welsh Government recommends that any letters rejecting an application for a concessionary bus pass explains why the application has been turned down, and provides details of the local authority's complaints system and the Public Services Ombudsman for Wales.

SMARTCARDS REPLACEMENT AND LIFESPAN

76. The Concessionary Smartcard Steering Group will be asked to take forward consideration of these issues.
77. Local authorities may charge for a replacement pass but for a sum not exceeding its actual cost.