



Llywodraeth Cymru  
Welsh Government

# Concessionary Bus Travel Scheme Guidance: A Common Approach to Eligibility

With effect from April 2019

Guidance

Guidance produced by the Welsh Government in accordance with Section 146 of the Transport Act 2000 provides local authorities with information as to the evidence it considers they need to obtain from an applicant before permitting them to obtain a concessionary fare permit based on the eligibility criteria.

Each local authority decides whether or not to issue a concessionary travel pass, based on the relevant legislation and taking account of the Welsh Government guidance.

This guidance has been reviewed by the Welsh Government and officers representing local authorities and replaces previous issued versions.

Local authorities are encouraged to share among themselves some of their anonymised decisions on particular applications where that would help to develop consistency in determining applications across Wales.

April 2019

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## **BACKGROUND**

1. The Transport Act 2000 (“the 2000 Act”) requires travel concession authorities (“authorities”) in Wales to issue a statutory travel concession permit (“concessionary travel pass”) to any applicant resident in its area who is aged 60 or over or who meet the eligibility criteria in accordance with the statutory definitions of disability set out in Section 146 of the 2000 Act, which are summarised below;
  - (a) is blind or partially sighted,
  - (b) is profoundly or severely deaf,
  - (c) is without speech,
  - (d) has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on his ability to walk,
  - (e) does not have arms or has long-term loss of the use of both arms,
  - (f) has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning, or
  - (g) would, if he / she applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have his /her application refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol.
  
2. Seriously injured armed service personnel and seriously injured armed service veterans who fall within the above categories of disability and meet the specified criteria are also able to apply for a pass.

3. Authorities are responsible for assessing and determining eligibility, taking into account information contained in this guidance.
4. Section 145B (1) and (3) of the 2000 Act specifies that an authority must offer the concession, consisting of a waiver of the fare for the journey by the operator of the service to people aged 60 or over and to eligible 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.
5. This Guidance has no special authority in regard to matters of legal interpretation. Where there appear to be differences between Guidance and the Regulations<sup>1</sup>/Act, legislation always takes precedence.

## **SOCIAL MODEL OF DISABILITY**

### **Introduction**

6. The social model of disability does not focus on a person's impairment as the cause of 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.
7. This model is recognised by disabled people and the Welsh Government formally adopted it in 2002. However, this guidance is

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<sup>1</sup> Travel Concessions (Eligible Services) Order 2002

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 highlighted them by use of “ ”.

### **What is the medical model of disability?**

8. The medical model of disability equated disability with impairment. Disability was seen as a result of a physical condition, inevitably reducing the individual's life chances. Under the medical model, the medical profession had significant responsibility and potential for helping disabled people.
9. 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?**

10. 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**

11. It is important that the process of assessing eligibility for a concessionary travel pass correctly identifies people who require one 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.

12. Section 20 of the Equality Act 2010 (“The 2010 Act”) 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.
13. The 2010 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 2010 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.

## **EQUALITY ACT 2010**

14. The categories of disabled person listed in the Transport Act 2000 in relation to concessionary travel do not cover the full range of disabled people included within the 2010 Act definition. The 2010 Act provides that a person is disabled if they have a physical or mental impairment that has a “substantial” and “long-term” negative effect on their ability to do normal daily activities.
15. The types of disability which should enable people to claim free concessionary bus travel are those which are permanent or which have lasted at least 12 months, or which are likely to last at least 12



months or are likely to recur. The impairment will substantially impact on a person's ability to undertake day to day activities.

16. The UK Government has issued Guidance on matters to be taken into account in determining questions relating to the definition of disability. Schedule 1, Paragraph 12 to the 2010 Act required that an adjudicating body which is determining for any purpose of the Act whether a person is a disabled person, must take into account any aspect of that guidance which appears to it to be relevant.
17. For example in determining applications featuring alcohol dependency/addiction or persistent misuse of drugs it provides in:
  - Paragraph A7: “It is not necessary to consider how an impairment is caused, even if the cause is a consequence of a condition which is excluded. For example, liver disease as a result of alcohol dependency would count as an impairment, although an addiction to alcohol itself is expressly excluded from the scope of the definition of disability in the Act. What it is important to consider is the effect of an impairment, not its cause – provided that it is not an excluded condition.
  - Paragraph A14: A person with an excluded condition may nevertheless be protected as a disabled person if he or she has an accompanying impairment which meets the requirement of the definition. For example, a person who is addicted to a substance such as alcohol may also have depression, or a physical impairment such as liver damage, arising from the

alcohol addiction. While this person would not meet the definition simply on the basis of having an addiction, he or she may still meet the definition as a result of the effects of the depression or the liver damage.”

## **ELIGIBILITY**

18. This document is to help local authorities to assess applicants and it is for the applicant to prove their eligibility by providing the necessary documentary evidence at their own cost.
19. Three broad categories of people should be considered for a statutory concessionary travel pass, once residency has been confirmed.
  - People aged 60 and over;
  - Eligible disabled people – there are seven categories of disabled people who are entitled to the concessionary travel pass (details are set out below); and
  - Eligible injured service personnel or / and injured service veterans who meet the specific criteria.

## **RESIDENCY**

20. The applicant is responsible for providing evidence to satisfy an authority that their principal or primary residence is in the authority’s area. Applicants may provide proof of eligibility in a variety of ways.
21. Authorities must consider any two of the following as proof of residency.

- A Council Tax bill for the current financial year;
  - Evidence of rent payments within the last three months;
  - A current driving licence; or
  - Benefit and pension documents for the current financial year.
22. If the applicant is unable to provide such documentation, authorities must also consider any or a mix of the following as proof of residency to prove that the applicant resides at a domestic address in the authority's area:
- Utility bill (not including mobile telephone); or
  - Evidence of an exemption from responsibility for Council Tax payments; or
  - Confirmation that the applicant is on their Electoral Roll for UK Parliamentary elections; or
  - Confirmation that the applicant is on their School Roll; or
  - 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; or
  - Evidence that the applicant has a permanent registration with a local G.P.; or
  - Evidence of Home Office documentation confirming residency.
23. The documents and evidence listed above are not exhaustive and authorities may consider other appropriate documents or evidence submitted as proof of residency.

24. It is a pass holder's responsibility to ensure that they continue to meet the residency criterion when using their concessionary travel pass. If, at any time, a pass holder ceases to reside in the area of the local authority which issued their pass, and relocates to another local authority area in Wales, they must immediately update their details in accordance with the requirements of the scheme.
25. Should a pass holder relocate outside Wales, they are responsible for immediately returning their concessionary travel pass to the issuing local authority, as continued use of the pass would be fraudulent and may be liable for a fine of up to £1,000 under the Fraud Act 2006.

### **Residential Caravan Site**

26. The Welsh Government considers that eligible 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.
27. This category would include those eligible applicants who are full time employees living permanently on the residential caravan site, with written evidence provided by the site owner.
28. To demonstrate eligibility through residency, applicants must provide evidence as outlined above.

## **Homeless Person**

29. A homeless person meeting the eligibility criteria is entitled to a concession travel pass. 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.
  
30. If entitlement can only be demonstrated for a limited period of time, an issuing local authority may wish to attach a time limit to any concessionary travel pass it issues.

## **APPLICANTS BY AGE**

31. 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 Welsh concessionary travel pass, if they reside in Wales.
  
32. 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 ON THE GROUNDS OF DISABILITY**

33. Under the 2000 Act a local authority determines whether someone

meets the eligibility criteria for a concessionary travel 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.

34. 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 mobility related activities.
35. The disability may continuously and severely impact on an individual and local authorities will need to be satisfied that there is an ongoing impact throughout the period the concessionary travel pass is issued.
36. Where demonstration of receipt of a UK benefit award is time limited, it is sensible and prudent for the award of a concessionary travel pass to be time-limited to that date or until such time as the person would automatically qualify by age or no longer reaches the points threshold required.
37. Where an impairment is not permanent, the Welsh Government recommends that the authority should review persons' circumstances at least every three years or at the expiry date of the benefit, if less than three years to establish whether they remain eligible and consider the impact of the impairment if and when

setting an expiry date for the pass. They may also wish to direct all applicants, successful or not, to the Orange wallet initiative <https://asdifowales.co.uk/orange-wallet>.

38. 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 current, valid documentary evidence of their entitlement, for example the benefit or award notice letter.
39. Local authority social services departments are well-placed to offer further advice to officers responsible for assessing applications and, again, the Welsh Government would encourage all authorities to adopt and apply the same criteria to ensure consistency throughout Wales.

### **Independent evidence**

40. 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 worker to support the application, for example an Occupational Health Nurse, an Occupational Therapist or, if absolutely necessary, a General Practitioner. Evidence may already be available if the applicant has been assessed for other local authority or health services. It is the applicant's responsibility to meet the cost of any fee.
41. Local authorities may also consider working with other agencies,

should further evidence be required.

42. 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.
43. If, at any time, a holder of a concessionary travel pass issued on the grounds of disability ceases to meet the eligibility criteria, they must immediately inform the issuing authority and return their pass, as continued use of the pass would be fraudulent and may be liable for a fine of up to £1,000 under the Fraud Act 2006.

#### **Automatic or fast track entitlement**

44. Automatic entitlement to a concessionary travel 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 Armed Forces 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”.

Applicants must provide their original benefit award letter and evidence to show that this benefit is still valid.

## **OTHER CATEGORIES OF ELIGIBILITY**

### **People with Sight Loss**

45. Eligibility for a concessionary travel pass in the case of sight loss means the applicant has a high degree of sight loss in both eyes (i.e. seeing much less than is normal, or perhaps nothing at all).
46. 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).
47. For this to happen, an Ophthalmologist must have completed a form (CVI) 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.
48. 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).

49. 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.
50. 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**

51. 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 travel pass should be made available to people who have “severe or profound” hearing loss across both ears.
52. 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.
53. 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**

54. 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?”).
55. 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. In such cases, authorities may wish to recommend to the applicant the Orange Wallet scheme [www.asdinfowales.co.uk/home.php?page\\_id=8251](http://www.asdinfowales.co.uk/home.php?page_id=8251) that has been designed for people who would like support to communicate with staff when using buses, or trains.
56. 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**

57. 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. Concessionary travel 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.
58. Applicants claiming these benefits will be able to produce a current benefit award letter (for example PIP 7006) as documentary evidence of their entitlement.
59. In assessing the eligibility of other applicants, local authorities will require evidence of any of 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 is necessary.
  - Whether the person requires oxygen to enable them to travel.
  - Whether the person can only walk very slowly and with frequent stops.
60. Where the applicant is not in receipt of one of the benefits mentioned above (as possible examples), the applicant is responsible for providing qualified medical, health or social worker

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**

61. 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.
  
62. 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**

63. 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.
  
64. The 2000 Act states "as a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning". The person should be able to qualify for specialist services and s/he may have or had additional learning provision.
  
65. The applicant or their carers are responsible for obtaining the appropriate 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.

66. Generally eligible people would have considerable barriers to their mobility. Local authorities will assess this eligibility against independent evidence provided at the applicant's expense from an appropriately qualified medical, health or social worker.

**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**

67. Under Section 92 of the Road Traffic Act 1988, the issuing of a driving licence may be refused or revoked if the applicant has a notifiable medical condition which is defined by the DVLA. In these circumstances, a concessionary travel pass may be issued for the period of the licence revocation on medical grounds.
68. This does not include voluntary surrender of a driving licence or where an applicant is advised not to drive due to the side-effects of prescribed medication.
69. Notifiable conditions can be found at <https://www.gov.uk/driving-medical-conditions>
70. People who have lost their driving licence due to persistently misusing 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 concessionary 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.

## **COMPANIONS**

74. A “severely” disabled person may be eligible for a concessionary travel pass with companion entitlement, so that they would have the assistance of one appropriate responsible companion when making a journey on which a concession consisting of a waiver of the fare for the journey by the operator of the service is given.
75. Companion entitlement should not be routinely issued to disabled concessionary travel pass holders, but only because they require the extra help that a companion has to provide to enable them to travel by bus, beyond the ordinary responsibilities that would be expected of an accompanying person.
76. A concessionary travel pass with companion entitlement may 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.
77. A concessionary travel pass with companion entitlement may be issued following assessment to people with:



- Challenging behaviours, who need to be supervised at all times.
- Severe cognitive and mental impairments (including people who have no awareness of risk and limited ability to plan and follow a journey).
- A combination of visual and hearing or visual and speech loss that prevents independent mobility, or
- Difficulties using a wheelchair independently.

78. The impairment may mean that the pass holder does not need assistance on every journey. But where assistance is required, the companion must accompany the pass holder for the whole of the bus journey. 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.

79. For the avoidance of doubt, companions are not themselves issued with a concessionary travel pass, nor are they able to travel for free unless accompanying a companion pass holder.

80. If there is no other source of information, the need for a companion entitlement must be verified by an appropriately qualified medical, health or social worker (see paragraph 40), in accordance with an authority's required assessment procedure.

81. A person is eligible to receive companion entitlement where there is

evidence from a qualified medical, health or social worker 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.

82. It may be possible to identify people meeting these criteria by checking their benefit award, as previously detailed.
83. 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.

## **USING THE CONCESSIONARY TRAVEL PASS**

84. A bus driver must not refuse free travel to a pass holder other than for safety reasons, unless the concessionary travel 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.
85. Similarly, if the bus driver believes that the companion appears unsuitable for that responsibility, 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.
86. When notified by a driver, the bus company should notify the

relevant local authority which will need to decide whether further enquiries are necessary.

## **APPEALS**

87. The relevant legislation does not allow for appeals to the Welsh Government but equally there is no limit on the number of times an applicant may apply for a pass but should supply additional information.
88. The Welsh Government recommends that any letters rejecting an application for a concessionary travel 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.

## **REPLACEMENT OF LOST, STOLEN OR DEFECTIVE PASSES**

89. Regulations allow issuing authorities to charge a fee for replacement travel passes but for a sum not exceeding its actual cost.