

CONCESSIONARY TRAVEL MADE SIMPLE ELIGIBILITY

A. General advice and references

1. Concession Types

Concession types can be broken down into 4 elements

- a) Bus passes issued under the ENCTS (English National Concessionary Travel Scheme) for the statutory travel entitlements (09.30 – 23.00 Monday to Friday and all day weekend and bank holidays).
- b) Bus passes issued under the ENCTS but for additional local discretions such as companion and extended times of travel.
- c) Other concessions issued instead of bus passes (alternative concessions)
- d) Other concessions issued as well as bus passes (additional concessions)

2. Additional Local Discretions

These normally take the form of extending the time of travel or allowing companions to travel free (see below). It is normal for alternative concessions to be available on a scheme wide basis. However, if there are special reasons why a sub-area should merit a local discretion and legal advice has been taken to ensure that no equality rules are being compromised, then this can be funded by the district or borough through their wellbeing powers. In practical and legal terms, responsibility remains with the Travel Concession Authority.

3. Alternative Concessions

Alternative concessions are the responsibility of the Travel Concession Authority - since 1st April 2011, the County Council or Unitary Authority. In accepting an alternative concession, the applicant must formally waive their right to the ENCTS bus pass.

Alternative concessions usually take the form of taxi tokens or vouchers and are issued to people who are too disabled or live too remotely to make use of a bus service. It is normal, therefore for alternative concessions to be available on a scheme wide basis. However, if there are special reasons why a sub-area should merit an alternative concession and legal advice has been taken to ensure that no equality rules are being compromised, then this can be funded by the district or borough through their wellbeing powers. In practical and legal terms, as with local discretions, responsibility remains with the Travel Concession Authority.

4. Additional Concessions

Additional concessions, because they fall outside of the ENCTS, can be issued by Travel Concession Authorities or Local Authorities. An example of these is Railcards where they are sold at cost to an eligible person.

It is worth noting that a Railcard issued as an alternative concession can only be issued to a person of eligible age for the ENCTS (i.e. gradually rising to 65), whereas a senior railcard issued as an additional discretion can be offered from age 60 as allowed by the train operating company.

Additional modes of travel may be offered, for example trams, ferries, either to local or visiting holders of the ENCTS.

5. Pass design

Passes issued to elderly people – defined as having reached the pensionable age for women – will have a blue stripe



Passes issued to disabled people – defined in DfT Guidance – will have an orange stripe.

Passes issued to disabled people who also meet the criteria for an elderly pass should be recorded as disabled. The reason for this given by DfT is that the Government may at some time in the future vary the discretion given.

With responsibility moving to County Councils, if the concession is the same across the County then it is expected that the logo on the pass will be that of the County Council or a stylised scheme logo. If there remains a local discretion in some Local Authority areas, then that Local Authority logo needs to remain so that the bus driver can differentiate. For the near future there will be a variety of logos on passes in circulation and bus operators in MCL administered schemes have been given pictorial information on what they can expect to see and what can be done with the pass.

6. Companion Passes

Companion passes – enabling a companion to travel free with the pass holder for journeys starting in the scheme area. Sometimes there exist reciprocal arrangements with neighbouring Authorities whereby the return journey can also be made free. There is not usually a financial transaction involved in this arrangement.

If a reciprocal arrangement does not exist, the companion would need to pay a fare for the return journey if boarding the bus outside of the scheme area.

Companion passes have a C+ symbol on the top right



7. “All Day Local”

Some Authorities have an additional local discretion for blind and partially sighted people, enabling them to travel free all day, sometimes if appropriate, with a companion. These passes could have an “All Day Local” symbol on their passes which enables them to travel all day for journeys starting in their local area.

The holder of a Companion Pass can travel alone as they may have good and bad days or be able to make short journeys on their own.

The All Day Local symbol in MCL Schemes



8. On bus

When used as a flash card the pass will be identified to the bus driver by the logo in the top right corner. When used electronically, the encoding on the pass will tell the reader what type of discretion it is (normal or companion) and the Authority by whom it was issued. If the bus is equipped with a smartcard reader, the reader should be programmed to recognise where the bus is and what the issuer of that pass allows it to do. Smartcard readers are growing in number but not used by all operators.

9. Bus pass cannot be read electronically

If a bus pass fails the reader test it may be the pass, but it may also be the reader. A large number of different times of travel and cross border variations need to be programmed into the reader and in the early stages of an operator changing to smartcard readers, these are not always accurate. The driver must allow the pass holder to travel, unless the pass is clearly a forgery or used by an unauthorised person, but the driver is likely to request the pass holder to get the card checked or replaced.

There will therefore be a number of people who are asking for a replacement. At present you will not be able to check if the pass is working or not. The bus pass has an antenna around the edge as well as a chip embedded. If the pass is clearly visibly damaged so that this antenna is broken, it will not work so it is recommended that you should replace it, with a charge as appropriate to local policy.

If it is not visibly damaged it may be that the card reader on the bus was not working or programmed correctly, so it is recommended that you decide a local policy on whether you should just replace the pass free of charge, or whether you should make a judgement with the pass holder whether they keep the old one and try it again, bearing in mind that the driver must allow them to travel; or whether you replace the pass because they are likely to be uncomfortable doing that and wish to avoid a confrontation on the front of the bus with a difficult driver. If replaced under these circumstances, it is recommended that you do not charge. You should ask the pass holder to return the old pass to you once they have received their new one, and send it back to the manufacturer for testing.

For information – there were a very small number of faulty passes issued in 2008 due to early ISAM (encoding) problems by ITSO, so it is possible that about one in 250 of the original early 2008 issue may be faulty..

B. Application and Eligibility

1. Personal Application

A local policy will exist as to how applications may be made - in person or by post, or possibly in some areas, over the internet. If an application is made in person, it is up to the issuer to decide whether they will accept a photo provided, or take their photo on the spot.

2. Provision of photo

If accepting a provided photo, one passport style/sized colour photograph will be required with the application. An issuer may have the facility to take a photo of the applicant who is present, normally by a webcam, or perhaps a digital camera. In both cases the quality of the photo should be adequate for the bus driver to recognise the person. If a photo is provided, it will need to be scanned to enable it to be attached to the customer's record.

3. Proof of Residence

The Concessionary Bus Travel Act 2007 states that a travel concession authority in England other than a London authority must, on an application made to it by any person who appears to the authority to be an elderly or disabled person whose **sole or principal residence** is in the authority's area, issue to the person free of charge a permit indicating that he/she is entitled to a concession consisting of a waiver of the fare for the journey by the operator of the service.

The significant words "whose sole or principal residence is in the authority's area" are not clearly defined and local decisions will need to be made in respect of persons, for example:

- Who live on houseboats
- Who live abroad for part of the year
- Who are travellers
- Who are in military bases
- Who are in prison

The policy established by most County Councils is that passes would not normally be issued to these people unless they can provide the required evidence. However, you should take your own legal advice on such issues.

For those applicants who clearly do have a sole or principle residence in the Travel Concession Authority area, the evidence required can be, for example:

- DWP Letter
- Recent utility bill
- Recent bank or credit card statement
- Recent Council Tax Bill

Recent would normally mean no more than 3 months old with the date clearly visible and the address printed, not hand written. Often, original documents must be provided if applying in person, but are not retained. Local policy will dictate whether copies are taken. Those accepting postal applications will normally require that these are copies.

4. DfT Guidance on Eligibility

This can be found on the DfT web site, or can be requested from MCL. It has not been updated since 2008 when it was issued prior to the start of the ENCTS, but apart from the age issue, is still relevant.

5. Proof of eligibility by age

The Guidance still includes reference to people aged 60 or over. The eligibility by age was amended in *The Travel Concessions (Eligibility)(England) Order 2010*. In summary it states:

From 6 April 2010, the age of eligibility for concessionary travel in England will be tied to the pensionable age for women. So, as the pensionable age for women gradually increases from 60 to 65 over the ten-year period from 2010 to 2020 so too will the age of eligibility for concessionary travel increase for both men and women.

The age of eligibility for concessionary travel for those turning 60 after 6 April 2010 is therefore:

- *For women = pensionable age*
- *For men = pensionable age of a woman born on the same day*

It was announced in the Spending Review 2010 that the Government plans to speed up the alignment of the pension age so that the pensionable age for women will now reach 65 by 2018 instead of 2020 as previously planned. Furthermore the pensionable age for both men and women will now rise to 66 by 2020. The age of eligibility for concessionary travel will increase in line with these and any other future changes to the pensionable age for women.

For any schemes using Faredeal to record and issue passes, there is included a date of entitlement calculator which gives an easy method of entering the person's date of birth and being given their date of eligibility.

A table is made available on the GOV.UK website

<https://www.gov.uk/calculate-state-pension>

Eligibility by age can be evidenced by, for example:

- Birth certificate
- Passport
- Driving licence
- Medical Card
- DWP Pension letter

6. Proof of eligibility by disability

There are 7 categories by which a person can be entitled on grounds of disability:

- 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 or her 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
- g. Would, if he or 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 the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol

The issuing of bus passes to a Member / Veteran of the Armed Services seriously injured in service was introduced in 2011. This is now a requirement under the Military Covenant. It is likely that most relevant people would be eligible under disability grounds anyway, however it provides a shortcut in the provision of eligibility evidence in the form of a “reasons for decisions” letter issued under the Armed Forces Compensation Scheme. The TCA still has the responsibility to ensure the existing disability eligibility criteria are met.

For a fuller definition of the criteria under each of the above headings, please refer to the DfT’s “Guidance to local Authorities on assessing eligibility of disabled people in England for Concessionary bus travel”, a copy of which can be found on the DfT web site or requested from MCL.

The DfT recommends that, where available, the most robust way of assessing eligibility is likely to be via other relevant state benefits. The applicant should be of fare paying age, which usually means over 5 and the award of the benefit or the disability has been or is expected to be for at least 12 months. It is recommended that in cases where the disability is likely to be temporary and this is only likely to arise under category g – unable to drive through medical grounds – then the pass is issued for a limited time such as 6 or 12 months. Some authorities issue the pass to the expiry of the benefit notice.

DfT Guidance refers to the possession of a “blue badge” being adequate evidence of eligibility. A number of authorities do not use this basis as they feel the criteria are not strict enough. This must be a local decision.

DfT Guidance recommends that GPs are troubled as little as possible as this may compromise the doctor/patient relationship; however for certain disabilities a medical professional or GP’s certification is required.

Normally Authorities will require a recent letter from their Social Services or a doctor’s letter to certify the need for a Companion Pass. Issuers should give special consideration of parents that request a companion pass for a disabled child. It is recommended that the same criteria for a companion should be applied as for an adult application, and companion passes should not be issued simply because the child is too young to travel alone.

The onus is on the applicant to prove their entitlement. Any documentation or evidence they are expected to provide will normally be at their cost, including the photograph if it is not taken in house, whereas any follow up with a doctor by the authority will be at the cost of the Travel Concession Authority.

7. Replacement bus passes

Although the first bus pass has to be issued free of charge, it is the DfT’s view that it is the responsibility of the pass holder to look after the pass, therefore a charge roughly equating to the cost of production of that pass can be made. The charge can be waived on production of a crime reference number if stolen.

C. Eligible Services

The ENCTS bus pass can be used on eligible local bus services as defined by the Travel Concessions (Eligible Services) Order 2002 as amended by the Travel Concessions (Eligible Services) (Amendment) Order 2009.

The 2009 Amendment Order explicitly excludes the following types of services from the mandatory concession:

- Services on which the majority of seats can be reserved in advance of travel (such as coaches);
- Services that are intended to run for a period of less than 6 consecutive weeks;
- Services operated primarily for the purposes of tourism or because of the historical interest of the vehicle;
- Bus Substitution (rail replacement) services;
- Services where the fare charged by the operator has a special amenity element.

Travel Concession Authorities remain able to offer concessionary travel on any service on a discretionary basis, either for local pass holders only or for visitors also.

There is often confusion as to whether a community bus service is an eligible service. MCL takes the view that providing the following criteria are met, the service can be included:

1. The service must effectively be open to the general public in the area which it serves, (in compliance with Statutory Instrument 2002 No. 1016)
2. The service must be publicised as being available to the community at large, with details of the places and times of operation (a full time-table is not considered necessary)
3. Stopping places must be suitably located for members of the general public to use (this does not exclude door to door demand responsive operations)
4. The fares charged must be reasonable and easily payable
5. There must not be any sign or logo displayed on the vehicle which conveys the impression that the service is available only to a particular category of person

Whether it is included by right remains unclear, The DfT in its Community Transport: Guidance for Local Authorities dated March 2011 advises:

Community transport solutions that run on registered routes on a not for profit basis and open to the general public might be considered eligible for the mandatory English National Concessionary Travel Scheme. Local authorities have the power to offer discretionary concessions beyond the statutory minimum to eligible residents and create local travel schemes for other groups of people.

MCL generally takes the view that Section 22 registered operations, and those operating under a special restricted PSV operator's licence with vehicles of more than 8 seats should be included in the scheme provided they meet the above criteria. Section 19 operations can be included at the discretion of the authority.