

Concessionary Travel Arrangements for Disabled Residents and their Carers/Companions

Report of Ian Thompson, Corporate Director of Regeneration and Economic Development

Background

1. The English National Concessionary Travel Scheme (ENCTS) is a statutory scheme providing free travel on local bus services for older and disabled people between 0930 and 2300 Monday to Friday and all day at weekends and Bank Holidays.
2. Older people are entitled to a concessionary pass when they reach the state pension age for women (which is gradually being increased from 60 to 66). Disabled people (of fare paying age) are entitled to a concessionary pass if they meet any of the following criteria, set out in legislation by the Department for Transport:
 - Blind or partially sighted
 - Profoundly or severely deaf
 - Without speech
 - Has a disability or has suffered an injury which has substantial and long-term effect on ability to walk
 - Does not have arms or have long-term loss of both arms
 - Has a learning disability
 - Would if applied for a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have the application refused under Section 92 of the Act (physical fitness) on grounds other than misuse of drugs or alcohol

Government Guidance on ENCTS

3. The government have issued a number of guidance notes to local authorities relating to various aspects of the ENCTS scheme. The general guidance on implementing the concessionary fares scheme ([Guidance for Travel Concession Authorities on the England National Concessionary Travel Scheme](#)) issued Dec 2010, makes a clear distinction between two groups, older people (entitled by age limits) and disabled people (without age limits).

“There are two broad categories of people eligible for a statutory concession: men and women who have attained the state pension age for women and eligible disabled people (where no age limits apply).”

4. This would imply that a disabled person of any age would be entitled to a concessionary bus pass, provided that they meet the eligibility criteria. However, further guidance on assessing the eligibility of disabled people as set out below makes a clear reference to concessions applying only to persons of “fare paying age”.

Assessment of eligibility of disabled people

5. The guidance on assessing eligibility of disabled people for concessionary travel ([Guidance to Local Authorities on assessing Eligibility of Disabled People in England for Concessionary Bus Travel](#)) issued April 2013, indicates the government’s intention is that the concession should be taken to apply to adults and to all disabled children and young people of fare-paying age. Children under the age of 5 travel free on local bus services.

Para 15: “The 2007 Act provides an entitlement to a concession against a full adult fare. It does not set age limits for recipients of this concession. It should therefore be taken to apply the concession to adults and to all disabled children and young people of fare-paying age.”

6. The guidance recommends that, where available, the most robust way of assessing eligibility is likely to be via other relevant state benefits. Paragraph 18 of this guidance sets out the benefits, and makes further reference to the age limit:

“Eligibility for a concessionary travel pass may be considered “automatic” (not requiring further assessment) where a person is in receipt of any of the following state benefits, which link eligibility to receive the benefit to the ability to walk or, in the case of PIP, to communicate orally, provided that the person is of fare paying age and that the award of the benefit has been for at least 12 months or is expected to be for at least 12 months.

- a. **Higher Rate Mobility Component of Disability Living Allowance (HRMCDLA);**
- b. **Personal Independence Payment (PIP), where the applicant has been awarded at least eight points against either the PIP “Moving around” and/or “Communicating verbally” activities 34;**
- c. **War Pensioner’s Mobility Supplement (WPMS).”**

Disabled pass with companion

7. In addition to the statutory requirements of the ENCTS scheme, local authorities are able to offer additional discretionary concessions, such as the provision of a “disabled bus pass with companion”.
8. The ‘plus companion’ element allows a pass holder who is unable to travel independently to be accompanied on the journey by a companion who is also able to travel for free (provided that the companion boards and alights at the same stops).

9. The companion is not issued with a separate pass; this element of travel is shown by the addition of a “+C” symbol in the top right hand corner of the disabled person’s bus pass (see figure 1 below)



Figure 1 – Sample pass showing ‘plus companion’ symbol

10. This ‘plus companion’ discretionary element is aimed at facilitating the pass holder to make use of their statutory concession. It is not intended as a concession for the companion themselves.

Companion pass for a disabled child

11. Legal advice has been sought in relation to the issue of a ‘plus companion’ pass for a disabled child who has not yet reached the age of becoming a ‘fare-payer’. The legal view is that if the child is not entitled to a pass, then we are under no obligation to issue a pass to allow a companion to travel for free.
12. Whilst it is clear that a child with severe disability is unlikely to be able to travel independently whether they are under or over five years of age (the age at which a child becomes a fare-payer), it could also be said that any child, of say two years of age, would be unable to travel independently. Clearly it was not the intention of this legislation to allow parents of every very young child the entitlement to free concessionary travel.

Cost of Concessionary Travel

13. A breakdown of the number of passes and the costs associated with concessionary travel in County Durham is provided at appendix 2.
14. There are around 122,000 active passes issued to residents of County Durham; of which 17,380 have been issued on the grounds of disability. Furthermore, around 1 in 4 of our disabled passes issued include the ‘plus companion’ element of travel (4,760).
15. The County Council must reimburse the bus operators for the lost revenue from free concessionary travel. Reimbursement is a complex issue, but it relates to the number of journeys made, a generation factor (people travel more because

it is free) and the average fare. The total cost to the County Council of reimbursing operators for concessionary travel in 2016/17 is estimated at £11.7m. Of which approximately £2.4m relates to disabled travel.

16. The average cost of reimbursement per pass across all concessionary travel is around £96 per annum. The average cost for usage of disabled passes is higher at around £136 per annum. It is not possible to estimate accurately the costs of a disabled pass with companion.

Potential cost of issuing under 5's companion passes in County Durham

17. There are 490 under 5's who are in receipt of the Disability Living Allowance in County Durham (Source: NOMIS - information as at November 2015). Of these, 280 are in receipt of the higher rate care award.
18. Therefore, there are potentially 280 cases of under 5's where the level of disability of the child would have meant that, in the absence of the fare-paying criteria, they would have been issued with a 'plus companion' concessionary travel pass.
19. The potential cost to the County Council would be dependent upon the take up and usage by this cohort. The following table illustrates potential costs to DCC depending on these variables:

Number eligible	Take up rate	Usage cost pa			
		£50	£100	£150	£200
280	33%	£4,620	£9,240	£13,860	£18,480
280	66%	£9,240	£18,480	£27,720	£36,960
280	100%	£14,000	£28,000	£42,000	£56,000

Comparison with other local authorities

20. Of the 89 Travel Concession Authorities (TCAs) in England, 57 (including Durham) offer free or reduced travel for companions of disabled pass holders unable to travel independently. The remaining 32 TCAs do not offer this discretionary concession (see Appendix 3 – DfT concessionary travel statistics).
21. In the North East, Northumberland, Nexus (on behalf of Tyne & Wear), Darlington and Durham offer 'plus companion' passes. Stockton, Middlesbrough, Hartlepool and Redcar and Cleveland do not offer companion passes.
22. In terms of similar (shire county) authorities, Cumbria offer 'plus companion' passes but Lancashire and Derbyshire do not.
23. None of the authorities who responded to our survey request (including York City Council) offer Concessionary Travel passes to children under fare paying age (5 years old).

MTFP considerations

24. It is widely recognised across local government that the funding received from central government does not cover the full costs of providing statutory concessionary travel. In addition, the cost of providing any non-statutory concessions (such as 'plus companion' passes) must be borne by the Local Authority.
25. As part of the council's ongoing MTFP programme, officers are currently examining areas for reducing the council's spend across a range of non-statutory services. This includes a review of the existing non-statutory elements of concessionary fare provision.

Equality Impact Assessment

26. An equality impact assessment screening exercise is included as Appendix 4. This indicates that the restriction on issuing passes to children of fare paying age does have a potentially negative impact on the protected characteristics of age and disability. However, Durham along with many other authorities are following government guidelines in applying an age limit.

Conclusion

27. It would seem clear that the government's intention of introducing the ENCTS scheme was to provide a concession against the cost of travel for eligible people. The DfT guidance on eligibility of disabled people clearly states that the concession should be taken to apply to people of fare paying age. The logic being that those under the age of five do not have to pay a fare and therefore cannot be given a further concession in relation to the cost of travel.
28. The 'plus companion' element of travel is a local discretionary enhancement to the statutory ENCTS. This enhancement is considered to be an additional entitlement for the pass holder, where they would otherwise be unable to travel independently.
29. Legal services have considered the government's guidance on ENCTS together with our local enhancement and have advised that if the disabled child is not entitled to a pass, then under our current policy, we are under no obligation to issue a pass for a companion/carer.
30. The potential of issuing concessionary travel passes with 'plus companion' entitlement to disabled children under the age of 5 would introduce an additional cost pressure for the council of up to £56,000 per annum.

Appendix 1: Implications

Finance –

The potential cost of issuing under 5s with disabled concessionary passes with 'plus companion' entitlement is estimated to be up to £56,000.

Staffing –

None specific in this report

Risk –

None specific in this report

Equality and Diversity / Public Sector Equality Duty –

Screening EIA is included as appendix 4. The potential adverse impact on disabled children under the age of 5 stems from government guidance on eligibility for a concessionary travel pass being linked to fare paying age.

Accommodation –

None specific in this report

Crime and Disorder –

None specific in this report

Human Rights –

None specific in this report

Consultation –

None specific in this report

Procurement –

None specific in this report

Disability Issues –

As set out in report, government guidance states that entitlement to a concessionary travel pass on the grounds of disability is dependent on the disabled person being of fare-paying age.

Legal Implications –

None specific in this report