

Scottish Executive

Consultations

Thursday, November 24, 2005

CONSULTATION PAPER ON THE SCOTLAND-WIDE FREE BUS TRAVEL FOR OLDER AND DISABLED PEOPLE

Introduction

On 22 December last year, Nicol Stephen, the then Minister for Transport, made a statement in the Scottish Parliament setting out the terms of the Scotland-wide Free Bus Scheme for Older and Disabled People. The scheme implements - and by including peak-time travel goes beyond - the commitment in the programme for government ' *A Partnership for a Better Scotland*' to introduce a national free off-peak bus scheme for older and disabled people.

The scheme builds on an agreement with the Confederation of Passenger Transport UK (CPT), the representative body for the bus operators. The agreement commits the operators to an unrestricted Scotland-wide free bus scheme for older and disabled people at agreed levels of payment.

Currently local authorities run local free bus schemes for older and disabled people under powers in the Transport Act 1985. They will cease to run those bus schemes when the Scotland-wide scheme begins. Local schemes currently also provide additional entitlements to concessionary travel, eg rail and ferry. These entitlements will remain the responsibility of local scheme managers.

Since the announcement in December, we have been working on the details of the scheme. As the first part of the consultation process, seven Task Groups were set up with external stakeholders to work up the mechanics of the scheme. Their input was used to draw up the draft Orders and to inform the drafting of this paper. The paper completes the consultation process.

The scheme will be made under Orders under section 40 of the Transport (Scotland) Act 2005. The Orders will be laid early in the New Year and will take account of the comments received on this paper.

Key points are as follows.

- The scheme will begin on 1 April 2006.

- Older and disabled people will be able to travel free by bus anywhere in Scotland on local buses and on long distance scheduled coaches throughout the day, including the morning rush hour.
- Older people are defined as people aged 60 and over. The definition of disability relates to physical or mental impairment which severely affects a person's mobility and therefore their ability to carry out day to day activities. In circumstances where greater assistance is required to travel, the entitlement will include a companion.
- The scheme will be run by Transport Scotland, the new executive agency which is being set up and which will be directly accountable to Scottish Ministers.
- The bus scheme will cost a maximum of £159m in 2006-07 and £163m in 2007-08.
- Bus operators will be paid at the rate of 73.6% of the average adult single fare to ensure that they are no better and no worse off through taking part than they would be if there were no scheme.
- The scheme will be an application on the new Entitlement Card, which is intended over time to allow members of the public to access an increasing number of public services through a single card. The card will have an electronic capability which will help to prevent fraud.
- Older and disabled islanders will also be entitled to a minimum of two free return ferry trips to the mainland.

The scheme will be set up under two Orders. The first will outline the concessionary travel scheme. The second will feed into the first Order and will define (a) who will be eligible to travel under the scheme and (b) the bus and coach services which will be part of the scheme.

Drafts of the Orders are attached at Appendices A and B. The following sections describe the effect of the Orders and seek your views. The Order establishing the scheme places Scottish Ministers under a duty to run the scheme. In practice, Transport Scotland will run the scheme, acting on Minister's behalf.

RESPONSES

We are inviting written responses to this consultation paper by **5 December 2005**.
Please send your response to:

freebus@scotland.gsi.gov.uk

or

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If you have any queries contact **David Lee-Kong on 0131 244 7758.**

Copies of this consultation paper can be found on the Scottish Executive website at www.scotland.gov.uk/consultations

COMMENTARY

The following gives a brief explanation of each section of the draft Orders. The Orders can be found at Appendices A and B. There is also a series of questions throughout the commentary which we seek your views on.

Draft Order: The National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006.

Article 1 provides that the scheme will begin on 1 April 2006.

Article 2 is a technical provision - interpretation of terms in the Order.

Article 3 provides that the scheme will operate throughout Scotland. The Scottish Ministers are under a duty to administer the scheme, although in practice Transport Scotland will do so acting on Ministers' behalf.

Article 4 provides that the concession will be a waiver of the fare - ie free.

Article 5 links to the second Order and requires bus and coach operators to allow individuals who are eligible persons to take part in the scheme.

Articles 6 and 7 link to the second Order and provide the means of ensuring that bus and coach services will take part in the scheme. It is expected that, all eligible services will automatically be included in the scheme. Article 7 allows the Scottish Ministers to - in exceptional circumstances - refuse to allow an operator or a particular service to take part. As in all cases where the Orders would give the Scottish Ministers discretion, they also provide for an appeal to be heard by an assessment panel comprising three members as agreed by the Scottish Ministers and an association representative of the passenger transport industry - CPT.

Article 8 sets out a procedure in line with standard arrangements for concessionary travel schemes to allow an operator to withdraw from the scheme. Again in line with standard arrangements, it also sets out a procedure which would give the Scottish Ministers the right, if they wished, to require the operator to take part; and a procedure for the operator to appeal if they so wished. However, as the scheme builds on the agreement between the Scottish Executive and the CPT on participation by

CPT members, the expectation is that all CPT members will participate in the scheme in respect of all the eligible services which they run.

Article 9 gives the Scottish Ministers a discretionary power - subject again to appeal - to exclude an operator or a particular service. The intention is that this power would be held in reserve to use only in exceptional circumstances.

Article 10 gives the Scottish Ministers the power to collect the information the agency will need from operators to run the scheme.

Article 11 sets out the rules on reimbursement payments to operators. Essentially, they implement the agreement between the Executive and CPT that the reimbursement rate will be 73.6% of the average adult fare with total payment capped at £159m in 2006-07 and £163m in 2007-08.

Article 12 is a technical provision about timing and nature of payments to operators.

Article 13 is a further technical provision about verification and audit arrangements.

Article 14 relates to the issue of cards to individuals to prove eligibility to travel.

Article 15 relates to what happens when there is a transaction failure with the travel card.

Article 16 deals with matters relating to the misuse of travel cards.

Underlying the Order but not set out in it, there will be a procedure on the management of travel cards. To use the scheme, it will be necessary for people to show that they meet the eligibility requirements. The scheme will be an application on the new Entitlement Card, which is intended over time to allow members of the public to use an increasing number of services through a single card. Accordingly, once people have shown that they meet the eligibility requirement, they will be issued with an Entitlement Card. The card will be a smartcard which will have the capability to be read electronically by card readers which are being installed on every bus in Scotland. The smartcard technology will reduce the opportunity for fraud and ensure that bus operators are re-imbursed fairly for journeys carried out under the scheme.

There will be rules about use of the card on the bus. If a card does not work when presented, two options will be available to the holder. First, the holder can agree to the card being withdrawn by the driver. The holder will then be given a receipt that is valid for travel on all eligible services for the remainder of that day. Second, the holder can retain the card and pay the fare for their travel.

Damaged or lost cards may be replaced at any time at the discretion of the Scottish Ministers.

The rules will also cover fraudulent use. Anyone found using another person's card will be subject to the operator's standard fare penalty conditions and the card will be withdrawn. Similarly, if a card is found to be used fraudulently, it will be 'hot listed' and withdrawn when next used. In either of these circumstances, the Entitlement Card holder will then be issued with a new Entitlement Card but the right to free bus travel may be withdrawn or suspended depending on the circumstances. At any time, a card may be withdrawn if it is suspected that it is being used in breach of the scheme conditions. A new entitlement card will then be issued without the right to free bus travel.

Question 1:

Do you have any comments on the scheme as described above and as set out in the draft Order on the scheme?

Draft Order: The National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services)(Scotland) Order 2006

Article 1 provides that the Order will come into force on 1 April 2006 to coincide with when the scheme will begin.

Article 2 is a technical provision - interpretation of terms in the Order.

Article 3 sets out the **categories of persons** who will be eligible to use the scheme.

It provides that eligibility will be based on residence in Scotland and the current intention is that residence will be based on 6 months permanent residence.

The article then provides for a number of separate classes which relate to groups of eligible persons

- The first group are persons aged 60 or over as set out at **sub-paragraph (a)**.
- The second grouping - relates to persons of fare paying age (that is aged 5 years or more where a fare would normally be charged by the operator) who have a physical or mental impairment which severely affects their mobility and therefore their ability to carry out day to day activities.

Sub-paragraph (b) outlines the disability allowances which provide automatic eligibility for free travel while an individual is in receipt of one or more of them.

Sub -paragraphs (c) to (h) sets out the specific impairment categories which will provide eligibility.

Sub-paragraph (i) explains that where greater assistance is required to travel, the entitlement will include a companion who will also travel free. Underlying the provisions on companions, there will be rules which will provide that the companion must be aged 16 years or over. A different companion may be used on different

journeys. It will be a condition that the companion must begin and end their journey at the same places as the person they are accompanying.

- The third group of people who will be eligible for the disabled concession will be people who have a valid concessionary travel card for their existing local scheme. The objective is that local scheme card holders whose entitlement for free bus travel goes on past April 2006 will be able to obtain a pass for the new scheme so that no-one loses out by the introduction of the new scheme. **Sub-paragraph (j)** sets out the rules which will apply, including that people with current disabled entitlement will be reassessed according to the rules of the new scheme when their card expires.

Question 2:

Do you have any comments on the categories of people who will be eligible to use the scheme as described above and as set out in the draft Order on eligibility?

Assessment of eligibility on the grounds of residency or impairment

The Order will not detail the evidence requirements for eligibility to the scheme. It is envisaged that guidance relating to this Order will be issued to those responsible for validating applications. In drafting the Order issues relating to the assessment of impairment were considered.

Mobility and Access Committee for Scotland (MACS) proposed an application process based on a 'Self-Assessment' model. This social approach founds on the disabled person being the best person to direct their needs and requirements and would be less of a barrier to the individual accessing the service. It would generally exclude medical (or other professionals) from defining/assessing the individuals needs, and would allow the individual to define themselves as having a disability that meets the criteria of the scheme.

In considering this proposal we recognised that a simple process would assist disabled people to participate in the scheme. However as there was little research evidence to support the proposal and it was considered to have a high risk of potential fraud (where non-eligible people would declare themselves disabled in order to get free bus travel), we have not considered this suitable for the national scheme at this stage. We have agreed to consider a pilot project to look at the viability of using the 'self assessment process' in the future.

Question 3:

Do you have any comments on self-assessment or assessment of impairment more generally to access the national scheme?

Eligible Bus Services

Article 4 describes the **bus and coach services** which will be included in the scheme. As set out in the agreement between the Executive and CPT, the intention is to ensure that eligible people will be able to use the bus and coach services which they need in order to make reasonable use of the scheme. The definitions set out in **article 4** therefore include all 'standard' scheduled services which operate during the day including services in the morning rush hour. The definitions of scheduled services include both local bus services and coach services. The exclusions set out in **sub-paragraph (2)** relate to services which are not mainstream day time scheduled services intended to meet the general public's needs to travel from place to place.

The scheme will cover the whole of Scotland plus, in line with the current rules in the schemes run by Dumfries and Galloway and the Scottish Borders Councils, services which cross the border to serve Berwick and Carlisle as local centres.

Under the scheme rules underlying the Order but not set out in the Order, if an operator operates an optional seat reservation system, the operator will have the discretion to charge a fee for reservations. However, it will be necessary also for concessionary passengers to have the option of travelling without a reservation. Moreover, concessionary passengers who have not made a reservation must be carried on a first-come-first-served basis with no discrimination between them and any other passengers without a reservation.

Question 4:

Do you have any comments on the bus and coach services which will be included in the scheme as described above and as set out in the draft Order on eligibility?

Ferry services for islanders

Alongside the bus scheme, older and disabled islanders will also be entitled to a minimum of two free return ferry trips to the mainland. This is to provide access to the bus scheme for eligible people who, because they live on an island, would otherwise have to pay to gain access to bus services on the mainland.

At present, older and disabled islanders on islands in the areas served by Highland Council and the Strathclyde Concessionary Travel Joint Scheme may already travel free without limit in terms of the number of journeys to the mainland under the terms of their local concessionary travel schemes. There is therefore no need to introduce a new arrangement to provide islanders in these areas with the new minimum entitlement. Older and disabled islanders in Comhairle nan Eilean Siar may currently travel free to the mainland once a year or obtain a book of 6 half price single tickets for travel between the Western Isles and the mainland.

The resources currently used by these schemes for this purpose are being left with local government as part of the commitment given to COSLA to safeguard current non bus concessionary travel as resources are re-invested to help pay for the new Scotland-wide bus scheme. Where the current local scheme entitlement does not meet

the two free return journey minimum we will discuss with the Council what changes need to be made to the local scheme to provide eligible people with the new minimum entitlement.

Elsewhere in Scotland, older and disabled residents in Orkney and Shetland do not currently have any entitlement to travel free by ferry to the Scottish mainland. We are working to ensure that arrangements are introduced to provide eligible people on Orkney and Shetland with the new entitlement including a berth on overnight crossings to Aberdeen. Orders will be introduced should it prove necessary.

Question 5:

Do you have any comments on the proposals to implement the commitment to give older and disabled islanders an entitlement to a minimum of two free return ferry trips to the mainland?

Scottish Executive Transport Group
October 2005