



Department
for Transport

Guidance to local authorities on assessing eligibility of disabled people in England for concessionary bus travel

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Assessing Eligibility

Automatic Eligibility

Passporting from state benefits

17. The Department recommends that, where available, the most robust way of assessing eligibility is likely to be via other relevant state benefits.
18. 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).
19. Applicants claiming these benefits will be able to provide documentary evidence of their entitlement. An example of proof of entitlement is proof of payment of the allowance. An applicant receiving the HRMCDLA or PIP will be able to produce an award notice letter from the Department for Work and Pensions (DWP) or, alternatively, an excise duty exemption certificate (which is given to those who receive HRMCDLA). If they have lost the award notice, the Department for Work and Pensions can provide another copy at:
<https://www.gov.uk/disability-benefits-helpline>

Even where such a letter does not in itself automatically entitle the applicant to the statutory concession, Authorities may wish to consider the degree to which it provides evidence in support of the conclusions of independent medical assessments (see below). For instance, the

³ Advice on recognising a PIP award of eight points or more can be found at Annex A.

⁴ A PIP claimant will already have been assessed as having a disability which will, or is likely to, last for at least twelve months.

activity descriptors in an award letter may support the conclusions reached by a medical professional, or detract from them.

Example PIP award letters and advice on identifying relevant disability descriptors indicating passportable entitlement are provided at Annex A.

20. An applicant receiving WPMS will have an award letter from the Service Personnel and Veterans Agency (Free-phone enquiry number: 0800 169 22 77).
21. Eligibility may also be considered automatic where a disabled person of fare paying age has been issued with a disabled persons' parking badge ("Blue Badge"). It does not follow that a person who has a concessionary travel pass is necessarily eligible for a Blue Badge.

The Seven Categories of Disability

30. There are seven categories of disabled person identified as eligible for concessionary bus travel in the 2000 Act. The same categories are reproduced in the 1999 Act, although that Act lists blind and partially sighted people separately.
31. The Department strongly recommends that when a local authority issues a concessionary travel pass to an eligible disabled person, the authority keep a record of the particular category of disability under which a person qualifies (as well as details of how the assessment was carried out and by whom). The Department also recommends that the local authority should consider the category of disability when setting the expiry date of the pass. This would reflect the fact that some disabilities are clearly permanent, whereas others may last for only a limited period. It may therefore be appropriate to consider setting an expiry date of one year, for example, where circumstances would suggest this is sensible. Authorities are encouraged to seek independent medical advice on this point.
32. Under the legislation, an eligible disabled person is someone who:

"(a) is blind or partially sighted"

33. 'Blind' means having a high degree of vision loss i.e. seeing much less than is normal or perhaps nothing at all. 'Partially sighted' is a less severe loss of vision. Partially sighted people can see more than someone who is blind, but less than a fully sighted person. Blind and partially sighted people can register with their local council. The register is held by the social services or social work department, or by a local voluntary agency, and is confidential.

34. For registration purposes, the term 'blind' now becomes 'severely sight impaired (blind)' and partially sighted becomes 'sight impaired (partially sighted)'. The formal notification required to register as "severely sight impaired" or "sight impaired" is a Certificate of Vision Impairment (CVI), signed by a Consultant Ophthalmologist (eye specialist). However, registration is voluntary. The individual should have a copy of their CVI and should be encouraged to register, if they have not already done so, as they may be entitled to various other benefits too.
35. In general terms a person can be registered as severely sight impaired (blind) 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 3 metres or less. Some people who can read the top letter of an eye test chart at 3 metres, but not at 6 metres, may still be eligible for registration as blind if their field of vision is also severely restricted. Only being able to read the top letter at 3 metres is sometimes referred to as 3/60 vision: the person can see at 3 metres what a person with normal vision can see at 60 metres.
36. A person can be registered as sight impaired (partially sighted) if they have a full field of vision but can only read the top letter of the eye test chart at a distance of 6 metres or less (with glasses, if worn). 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.
37. The Department advises that concessionary travel passes should be issued to people whose sight is so impaired that they would be able to register as severely sight impaired (blind) or sight impaired (partially sighted). Local authorities may, where a person is not on the local authority register, require evidence from an eye specialist, for example an optometrist, that the applicant would qualify to be registered as severely sight impaired (blind) or sight impaired (partially sighted). Advice on how to register can be found on the Royal National Institute of Blind People (RNIB) website at:
<http://www.rnib.org.uk/registrationcard>

"(b) is profoundly or severely deaf"

38. Hearing loss is measured in decibels across the normal hearing spectrum, as dB HL (Hearing Level). People are generally regarded as having a severe hearing loss if it reaches 70-95 dB HL and a profound loss if it reaches 95+ dB HL. The Department advises that the statutory minimum concession should be made available to people in these categories.
39. There is no statutory registration system for deaf people. However, many will be registered on a voluntary basis with their local authority social services department. The register is open to people who have varying degrees of hearing loss, so in checking the register a local authority is advised to check that the applicant is profoundly or severely deaf before issuing a national concession bus pass.

40. As in the case of blind and partially sighted people, local authorities may, where appropriate, require applicants to provide evidence of registration before issuing a pass, or evidence that they could register, for example, an audiological report, or a report from an aural specialist.

"(c) is without speech"

41. Included within this category are people who are unable to communicate orally in any language. Those people will be:
- a. unable to make clear basic oral requests e.g. to ask for a particular destination or fare;
 - b. unable to ask specific questions to clarify instructions e.g. 'Does this bus go to the High Street?'
42. This category would not, in the Department's opinion, cover people who are able to communicate orally but whose speech may be slow or difficult to understand, for example because of a severe stammer.
43. In considering an application on these grounds the local authority may accept receipt of PIP, with a score of at least eight points for the "Communicating verbally" activity, as providing an automatic entitlement to the Concession. Further detail on passporting eligibility from PIP, including details of the descriptors indicating an award of eight points or more, is provided at Annex A. Alternatively, where PIP has not been applied for, or where insufficient points have been awarded, authorities may reasonably require medical evidence to support the application.

"(d) has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on his ability to walk"

44. To qualify under this category, a person would have to have a long term and substantial disability that means they cannot walk or which makes walking very difficult.
45. It is envisaged that passes will be issued to people who can only walk with excessive labour and at an extremely slow pace or with excessive pain. Their degree of impairment should be at comparable level to that described in the "Guidance on assessing ability to walk" box below. Where an applicant has been awarded PIP, with an award of eight points or more for the "Moving around" activity, or the Higher Rate Mobility Component of Disability Living Allowance (HRMCDLA), a relevant benefit award letter may be accepted as evidence of an automatic entitlement to the travel concession (see Annex A for details). Where the specified rates of PIP or DLA have not been awarded, or where these benefits have not been applied for, applicants may still be found eligible if assessed using the criteria below:

Guidance on assessing ability to walk

"(i) they cannot walk or..."

Being unable to walk means that they cannot take a single step.

They need to show that because of their disability they cannot put one foot in front of the other.

Walking involves always having one foot on the ground.

If their only way of getting about is to swing through crutches then they will be considered unable to walk.

"(ii) ...they are virtually unable to walk, or..."

They will need to show that they are unable to walk very far without experiencing severe discomfort.

Discomfort can mean either pain or breathlessness. Extreme fatigue and stress may also be taken into account. It has been accepted that discomfort is subjective and that some people have higher pain thresholds than others.

Unless both legs are missing then they will need to show that they experience severe discomfort even when using an artificial aid.

When deciding whether they are virtually unable to walk the following factors should be taken into account:

- the distance over which they can walk without experiencing severe discomfort
- the speed at which they can walk
- the length of time for which they can walk
- the manner in which they can walk

If they can only walk up to 27 metres without severe discomfort then they will qualify for the statutory concession.

If they can only walk between 27 and 64 metres without severe discomfort then it is likely that they will qualify for the statutory concession.

If they can walk more than 64 metres without severe discomfort then they will need to show that the other three factors mean that they are virtually unable to walk. For example, if they can show that it takes them five minutes to walk 100 metres, they should qualify for the statutory concession.

As a guide, the average person can walk the following in a minute:

- 90 metres at a brisk pace
- 60-70 metres at a moderate speed

- 40-50 metres at a slow pace
- 30-40 at a very slow pace

It does not matter whether the severe discomfort occurs at the time of their walk or later. What counts is that the discomfort is a direct result of their attempt to walk.

"(iii) The exertion required to walk would "constitute a danger to their life or would be likely to lead to a serious deterioration in their health."

The test here is whether the exertion required to walk would constitute a danger to their life or whether it would be likely to lead to a serious deterioration in their health.

They need to show that they should not walk very far because of the danger to their health.

This criterion is intended for people with serious chest, lung or heart conditions.

Some people with haemophilia may also qualify for the statutory concession in this way.

The serious deterioration does not need to be permanent but it should require medical intervention for them to recover.

They will need to show that any danger to their health is a direct result of the physical effort required to walk.

People with epilepsy will need to show that any fits were brought about by the effort required to walk.

- 46.** In all cases, entitlement depends on the applicant's difficulty in walking and considerations, such as difficulty in carrying parcels, are not to be taken into account.
- 47.** The fact that a walking aid is or is not used may be relevant to the eventual decision, but these alone should not determine whether or not a person qualifies. For example, if a person can walk relatively normally with the use of an artificial leg, then they should not be considered eligible. Alternatively, a person who can only swing through on crutches could be considered eligible, as they would be seen as having considerable difficulty walking (provided it is due to a long term disability and not due to legs being in plaster).
- 48.** The Department advises that the authority should normally require medical evidence to support the claim that the applicant's walking ability is long term and substantially impaired.

"(e) does not have arms or has long-term loss of the use of both arms"

49. This category includes people with a limb reduction deficiency of both arms; bilateral upper limb amputation; muscular dystrophy; spinal cord injury; motor neurone disease; or a condition of comparable severity.
50. In the Department's opinion, it also covers both people with deformity of both arms, and people who have both arms, if in either case they are unable to use them to carry out day-to-day tasks, for example, paying coins into a fare machine. In these latter cases the Department advises that a local authority should normally require independent medical evidence to support the application.

"(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"

51. A person with a learning disability has a reduced ability to understand new or complex information, a difficulty in learning new skills, and may be unable to cope independently. These disabilities must have started before adulthood and have a lasting effect on development. The person should be able to qualify for specialist services and he or she may have had special educational provision.
52. The Department of Health adopted the term 'learning disability' in 1992. It has the same meaning as its predecessor 'mental handicap' but it is seen as more acceptable, particularly in reducing the confusion with mental illness.
53. In determining eligibility in a case where there has been no previous contact with specialist services a local authority should normally require independent medical advice, or check any register of people with learning disabilities which might be held by the Social Services Department of the applicant's local council.

"(g) would, if he applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have his application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol."

54. Under Section 92 of the Road Traffic Act 1988 the Secretary of State may refuse to issue a driving licence on the grounds of the applicant's medical fitness. Those who are currently barred from holding a licence are people with:

- a. epilepsy (unless it is of a type which does not pose a danger - see below);
 - b. severe mental disorder;
 - c. liability to sudden attacks of giddiness or fainting (whether as a result of cardiac disorder or otherwise);
 - d. inability to read a registration plate in good light at 20.5 metres (with lenses if worn);
 - e. other disabilities which are likely to cause the driving of vehicles by them to be a source of danger to the public.
- 55.** It will be seen that specific reference is made to people who persistently misuse drugs or alcohol. Those people are not covered by the definition of 'disabled person' under the 2000 Act and are thus not entitled to the statutory minimum travel concession.
- 56.** 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). If, for people with any of the disabilities (b) - (d) listed above, the local authority can be confident that a licence would be refused it should therefore be able to issue the travel pass automatically. For (a) epilepsy - the bar is not automatic and depends on the circumstances.
- 57.** The Motor Vehicles (Driving Licences) (Amendment) Regulations 2013 (SI 2013/258) permit the grant of a driving licence to a person with epilepsy if that person meets a number of conditions concerning the type and frequency of their seizures.⁵
- 58.** There are a number of categories of "severe mental disorder" under which people may qualify. Authorities will need to assess individuals on a case-by-case basis as eligibility may depend on the severity of the condition. Such conditions include (but are not limited to) dementia (or any organic brain syndrome); behaviour disorders (including post head injury syndrome and Non-Epileptic Seizure Disorder); and personality disorders.
- 59.** Other groups include:
- a. 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; and
 - b. People with insulin-dependent diabetes: In general people with insulin dependent diabetes can continue to drive - though their licence may be renewable on a 1, 2, or 3-yearly basis. However, where the person experiences disabling hypoglycaemia they will be prevented from driving until their diabetes is controlled.
- 60.** The above list is not comprehensive. Any person with a cardiac, locomotor, renal or neurological disorder might qualify. Where there is

⁵ See the *Motor Vehicle (Driving Licences) Regulations (S.I. 1999/2864) (as amended)*.

doubt about whether someone would be refused a driving licence, the local authority is strongly advised to seek independent medical advice.

Annex A: Evidencing Receipt of Personal Independence Payment (PIP)

Introduction

- A.1** The Guidance recommends that applicants in receipt of Personal Independence Payment (PIP), with a score of at least eight points on account of their inability to walk, or to communicate orally without support, should be automatically eligible for the statutory minimum concession. This Annex provides further advice on identifying such applicants.
- A.2** All recipients of PIP will be issued with an award letter by the Department for Work and Pensions (DWP), specifying the conclusions of their assessment, and the level of benefit awarded. An example of this letter is provided below.
- A.3** It should be noted that the specimen letter provided here is only an example, and may not represent exactly what an applicant may present as evidence. The Department recommends that in cases where such a letter is presented, and the Authority is unsure of its authenticity, checks are undertaken to provide such assurance. In exceptional circumstances such a check might include contacting the Department for Work and Pensions to ensure that the name, address and qualifying descriptors indicated on an applicant's PIP award letter are authentic, and have not been altered. DWP's PIP Enquiry Line can be contacted on **0845 8503 322**.
- A.4** Eligibility descriptors will be included at a standard location in award letters. See the second page of the specimen letter below.

Identifying Eligible PIP Recipients

- A.5** Applicants for PIP will be assessed against a number of activities, considering their mobility and their ability to carry out Daily Living tasks. Award letters will include descriptors to explain to applicants the result of DWP's assessment of each activity.
- A.6** Between April and October 2013 the following descriptors will be used on claimants' award letters without details of the number of points

scored. After October 2013 letters will display both descriptors and points. Examples of both pre- and post-October 2013 letters are provided below.

- A.7** You may accept such award letters as proof of automatic eligibility for the Concession only where you believe them to be authentic and unaltered, and where at least one of the following descriptors is used:

Moving around activity:

- A.8** Descriptors indicating award of eight points or more:

- **8 Points**

Descriptor 12C

"I've decided you can stand and then move unaided more than 20 metres but no more than 50 metres."

- **10 Points**

Descriptor 12D

"I've decided you can stand and then move using an aid or appliance more than 20 metres but no more than 50 metres."

- **12 Points**

Descriptor 12E

"I've decided you can stand and then move more than 1 metre but no more than 20 metres."; or

Descriptor 12F

"I've decided you cannot stand or move more than 1 metre."

Communicating verbally activity

- A.9** Descriptors indicating award of eight points or more:

- **8 Points**

Descriptor 7D

"I've decided you can express and understand basic verbal information with help from someone who is trained or experienced in helping people to communicate."

- **12 Points**

Descriptor 7E

"I've decided you cannot express or understand verbal information at all, even with help from someone who is trained or experienced in helping people to communicate."