

## **Guidance Notes on Entitlement to Diamond Travelcards**

### **Bath & North East Somerset Council – July 2014**

#### **Residency**

All applicants must prove that their **sole or principal residence** is in Bath & North East Somerset.

Eligible persons who live in more than one residence in England, Wales, Scotland or Northern Ireland should apply for a travel concession permit only with the council in whose area they live for most of the time.

Legislation makes no reference to nationality but to "residents." Foreign nationals living in England whose sole or principal residence is in Bath & North East Somerset would be eligible. However, a foreign national visitor on a short stay visa or visiting England for business or holiday is not a resident.

Persons whose sole or principal residence is outside England are not eligible, whether or not they hold a British passport.

In respect of boat dwellers, acceptable evidence of meeting the residency criteria would include:

- A mooring licence for a site in B&NES
- Evidence of entitlement to vote in B&NES
- Letter to a PO Box or Poste Restante in B&NES addressed to the applicant from a government department or public body

#### **Age**

The qualifying age for concessionary bus travel is linked to the state pension age for women. Current legislation makes provision for that age to rise to 66 years from 2020 but further legislation to allow for a rise to 68 years is likely.

The present qualifying dates are listed in the table below. Please note these are subject to change if further changes are made to the state pension age for women.

<b>DATE OF BIRTH</b>	<b>DATE OF ELIGIBILITY FOR DIAMOND TRAVELCARD</b>
on or before 5 June 1952	eligible now
6 June 1952 - 5 July 1952	6 September 2014
6 July 1952 - 5 August 1952	6 November 2014
6 August 1952 - 5 September 1952	6 January 2015
6 September 1952 - 5 October 1952	6 March 2015
6 October 1952 - 5 November 1952	6 May 2015
6 November 1952 - 5 December 1952	6 July 2015
6 December 1952 - 5 January 1953	6 September 2015
6 January 1953 - 5 February 1953	6 November 2015
6 February 1953 - 5 March 1953	6 January 2016
6 March 1953 - 5 April 1953	6 March 2016
6 April 1953 - 5 May 1953	6 July 2016
6 May 1953 - 5 June 1953	6 November 2016
6 June 1953 - 5 July 1953	6 March 2017
6 July 1953 - 5 August 1953	6 July 2017
6 August 1953 - 5 September 1953	6 November 2017
6 September 1953 - 5 October 1953	6 March 2018
6 October 1953 - 5 November 1953	6 July 2018
6 November 1953 - 5 December 1953	6 November 2018
6 December 1953 - 5 January 1954	6 March 2019
6 January 1954 - 5 February 1954	6 May 2019
6 February 1954 - 5 March 1954	6 July 2019
6 March 1954 - 5 April 1954	6 September 2019
6 April 1954 - 5 May 1954	6 November 2019
6 May 1954 - 5 June 1954	6 January 2020
6 June 1954 - 5 July 1954	6 March 2020
6 July 1954 - 5 August 1954	6 May 2020
6 August 1954 - 5 September 1954	6 July 2020
6 September 1954 - 5 October 1954	6 September 2020
6 October 1954 and later	date of 66th birthday

Persons below the age for automatic qualification may qualify if they meet at least one of the criteria for disability listed below.

Children aged 5 and over may qualify on the grounds of disability if they meet one of the criteria listed below.

Diamond Travelcards will not be issued to children aged under 5 because bus operators permit them to travel free of charge anyway.

## **Disability**

Persons who have certain disabilities may be eligible to receive a Diamond Travelcard. Although “disability” can cover a wide range of conditions (as defined in the Disability Discrimination Act 1995), only those categories of disability listed in the Transport Act 2000 (listed below) carry an entitlement to a Diamond Travelcard. Furthermore, the disability must have a substantial effect on a person’s ability to carry out normal day-to-day activities and:

- be permanent or
- have lasted at least 12 months or
- be likely to last at least 12 months.

The Transport Act 2000 lists seven categories of entitlement on disability grounds. The Department for Transport has published guidance for Travel Concession Authorities on the interpretation of these categories, which are detailed below.

A person (either adult or child aged 5 or over) qualifies for concessionary travel if he/she:

### **(a) is blind or partially sighted**

A person can prove entitlement under this category:

- if they can show that they are registered as severely sight impaired (blind) or sight impaired (partially sighted) or
- if they can show that they have a disabled persons’ parking badge (Blue Badge) or
- if they can show that they have been awarded a lump sum under the Armed Forces Compensation Scheme (by showing the Reasons for Decisions letter) for an injury making them severely sight impaired (blind) or sight impaired (partially sighted)
- if they can provide evidence from an eye specialist that they would qualify to be registered

### **(b) is profoundly or severely deaf**

A person can prove entitlement under this category:

- if they can show that they are registered as profoundly or severely deaf (defined as a hearing loss of at least 70dBHL) or

- if they can show that they have been awarded a lump sum under the Armed Forces Compensation Scheme (by showing the Reasons for Decisions letter) for an injury making them profoundly or severely deaf or
- if they can provide evidence from an aural specialist that they would qualify to be registered as profoundly or severely deaf

**(c) is without speech**

A person can prove entitlement under this category:

- if they can show that they receive the Personal Independence Payment and have been awarded at least 8 points against the “Communicating verbally” activity. Their documentation should say one of the following:
  - 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
  - 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
- if they can show evidence from a medical professional (such as an occupational therapist or consultant) that they are unable to communicate orally in any language. This does not include persons whose speech may be slow or difficult to understand.

**(d) has a disability or an injury which has a substantial and long-term adverse effect on his/her ability to walk**

A person can prove entitlement under this category:

- if they can show that they receive War Pensioner’s Mobility Supplement or
- if they can show that they receive the Higher Rate Mobility Component of Disability Living Allowance or
- if they can show that they have a disabled persons’ parking badge (Blue Badge) or
- if they can show that they have been awarded a lump sum under the Armed Forces Compensation Scheme (by showing the Reasons for Decisions letter) for an injury which has a substantial and long-term adverse effect on his/her ability to walk or
- if they can show that they receive the Personal Independence Payment and have been awarded at least 8 points against the “Moving around” activity. Their documentation should say one of the following:
  - I’ve decided that you can stand and then move unaided more than 20 metres but no more than 50 metres

- I've decided that you can stand and then move using an aid or appliance more than 20 metres but no more than 50 metres
- I've decided that you can stand and then move more than 1 metre but no more than 20 metres
- I've decided that you cannot stand or move more than 1 metre
- if they can provide evidence from a medical professional (such as an occupational therapist or consultant) that they would be eligible to receive the Higher Rate Mobility Component of Disability Living Allowance (defined as being unable to walk or being unable to walk far without discomfort or danger to their health)

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

A person can prove entitlement under this category:

- if they can show that they have a disabled persons' parking badge (Blue Badge) or
- if they can show that they have been awarded a lump sum under the Armed Forces Compensation Scheme (by showing the Reasons for Decisions letter) for an injury causing the loss of both arms or the loss of the use of both arms
- if they can show evidence from a medical professional (such as an occupational therapist or consultant) that they have a condition affecting both arms that prevents them from being able to use their arms to carry out day-to-day tasks

**(f) has a learning disability**

A person can prove entitlement under this category if they can show evidence from a medical professional (such as an occupational therapist or consultant) that they have a learning disability as defined below.

A learning disability is a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning. 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.

Please note that only conditions matching this definition carry an entitlement to a Diamond Travelcard under this category. For example, people of any age with mental illnesses (such as depression, anxiety or schizophrenia), dyslexia or ADHD

are not eligible for a Diamond Travelcard, unless they qualify under another category.

Autism is not a learning disability but research suggests that around half of people with autism may also have a learning disability (*Mencap*).

Asperger's Syndrome is a form of autism which also causes communication and emotional problems. However, people with Asperger's Syndrome often have fewer problems with speaking and are less likely to have a learning disability than those with other forms of autism.

A person with autism can prove entitlement under this category if they can show evidence from a medical professional (such as an occupational therapist or consultant) that they have a learning disability (as defined above).

Dyspraxia is a form of developmental co-ordination disorder but persons with this condition have additional problems in planning, organising and carrying out movements in the right order in everyday situations. It can affect articulation and speech, perception and thought. Research suggests that it is due to an immaturity of neurone development in the brain. Persons with this condition will generally, therefore, meet the definition of a learning disability.

Persons with learning difficulties are not eligible under this category unless they can show evidence from a medical professional (such as an occupational therapist or consultant) that they have a learning disability (as defined above).

**(g) would, if he/she applied for a driving licence, have the application refused, otherwise than on the ground of persistent misuse of drugs or alcohol.**

A person can prove entitlement under this category:

- if they can show that they have been refused a driving license on the grounds of medical fitness (except on the grounds of persistent misuse of drugs or alcohol) or
- if they can show that they have been awarded a lump sum under the Armed Forces Compensation Scheme (by showing the Reasons for Decisions letter) for an injury causing uncontrolled post head injury epilepsy or
- if they can show evidence from a medical professional (such as an occupational therapist or consultant) that they would be refused a driving license on the grounds of medical fitness (except on the grounds of persistent misuse of drugs or alcohol)

Those who are currently barred from holding a licence on the grounds of medical fitness are people with:

- (i) epilepsy (unless it is of a type which does not pose a danger)
- (ii) severe mental disorder (includes dementia and some behaviour and personality disorders)
- (iii) liability to sudden attacks of giddiness or fainting (whether as a result of cardiac disorder or otherwise)
- (iv) inability to read a registration plate in good light at 20.5 metres (with lenses if worn)
- (v) other disabilities which are likely to cause the driving of vehicles by them to be a source of danger to the public (including people with restricted visual fields and insulin-dependent diabetics who experience disabling hypoglycaemia until such time as their diabetes is controlled)

### **Companion entitlement**

Any person aged 11 or over who qualifies for a Diamond Travelcard and who needs assistance to travel on buses (though not necessarily on every occasion) may apply for Companion entitlement to be added to the pass. This will enable another person to travel with the passholder on the same conditions within the Diamond Travelcard area and Wiltshire.

A passholder can obtain Companion entitlement if they can show evidence from a medical professional (such as an occupational therapist or consultant) that they need assistance to travel on buses.

Companion entitlement will not be added to passes issued to children aged under 11 because it is not expected that they would travel unaccompanied.

Although Diamond Travelcards are valid for off-peak bus travel across the whole of England, Companion entitlement is only valid in the Diamond Travelcard area and Wiltshire.

### **Pass Duration**

Diamond Travelcards are issued to for periods up to five years, except where it is possible that entitlement will cease before five years have passed. To ensure that the re-issue process operates efficiently, passes may be issued for shorter periods. Pass holders who qualify under disability category (g) will be issued with a pass valid for a maximum of two years.

When an elderly person's pass expires, it will be renewed automatically if he/she still lives in Bath & North East Somerset. The passholder should receive a new pass towards the end of the month in which their existing pass expires.

When a disabled person's pass expires, he/she will be asked to provide evidence of entitlement in the same way as for a new application, unless he/she qualifies automatically on the grounds of age. The evidence must show clearly that the applicant still qualifies under one of the categories listed above.

### **Medical evidence**

All evidence of entitlement must be current at the date of application.

In the majority of cases, applicants should be able to provide evidence of entitlement by virtue of their entitlement to specific benefits or registration in respect of certain medical conditions. If applicants are not able to prove eligibility in any other way, their GP may be able to provide a letter of support. However, this is not an NHS service so there may be a charge.

### **Photograph**

The passholder is responsible for ensuring that the photograph on their Diamond Travelcard is a clear current likeness and may be refused travel if it is not possible to recognise them from the photograph on the pass.

Passholders requiring a new photograph on their pass should visit a Council Connect office with their current pass. A new photograph will be taken and the pass reissued at no charge.