

SCOTLAND-WIDE FREE BUS SCHEME FOR OLDER AND DISABLED PEOPLE – RESPONSE TO THE PUBLIC CONSULTATION

INTRODUCTION

The Scottish Executive issued the above consultation paper on 24 October 2005. The paper invited views of the consultees on the draft Orders which will together comprise the Scotland-wide Free Bus Scheme for Older and Disabled People.

The Consultation paper was issued to over 500 organisations and individuals, a list of which can be found on the Scottish Executive website at the following address.

The consultation paper asked 5 questions based on the draft legislation for the new scheme. This document outlines the Executive's response to question 1 and question 4 of the consultation paper which dealt with the technical proposals of the Scheme Order and Eligible Services. A further response will be issued outlining the Executive's response to the remainder of the consultation paper.

BACKGROUND

The Scotland-wide free bus scheme for older and disabled people was announced in the Parliament by Nicol Stephen, the then Transport Minister, in December 2004.

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. All non-bus entitlements will remain the responsibility of local scheme managers.

Stakeholders

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 the consultation paper. In drawing up the proposals for the introduction a number of task groups were established to discuss various issues. The task groups were:

- Operator Participation – this task group was established to examine the processes for ensuring the inclusion of operators within the national concessionary scheme
- Eligibility – this task group was established to define who is eligible for the available concessions and what is required as proof of entitlement

- Concessionary Travel Product Administration – this task group was established to ensure the infrastructure of electronic ticketing machines on buses would meet the needs of both the scheme and the customers.
- Reimbursement – this task group examined the processes of calculating operator reimbursement, including the volume and value of travel made
- Verification – this task group established the functions required to support and administer the reimbursement payouts once operational
- Existing Scheme Migration – this task group discussed the issues surrounding the transfer of bus elements of the current local authority concessionary travel schemes to the national scheme and the continuation of other residual local concessions.

The task groups have been meeting on a regular basis since early summer 2005 and will continue to meet where necessary as the project moves into the final stages of development during winter/spring 2006.

The key stakeholder organisations were:

- ATCO – representing transport officers at local government level who currently deal with concessionary bus travel
- Confederation of Passenger Transport (CPT) – representing bus operators throughout Scotland
- Strathclyde Passenger Transport (SPT) – the SPT administered area currently represents half of all concessionary travel card holders in Scotland and is the largest scheme joining together 12 local authorities in the Strathclyde area
- Mobility and Access Committee for Scotland (MACS) – representing disabled persons groups during discussions on eligibility

In addition transport consultants MVA were involved in a number of task groups providing background knowledge and experience from other parts of the UK.

The concessionary entitlement was designed from the outset to be one of the first applications on the new Scotland National Entitlement Card, involving smartcard technology that will link to new electronic ticketing equipment on buses.

The National Entitlement Card project is being delivered by the Scottish Executive Improvement Service as part of the modernising government campaign and the two projects have worked closely to ensure that people receive a valid travel card in time to use the new scheme.

The Scottish Executive would like to take this opportunity to thank all members of the task groups for their continued support and commitment to the project.

This paper is a first response to the consultation and a further response is due to issue in later in Spring, which will complete the consultation process.

Key points in the scheme

- i. The scheme will begin on 1 April 2006.
- ii. 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.
- iii. Older people are defined as people aged 60 and over. The definition of disability relates to disability where mobility is reduced. In circumstances where assistance is required to travel, the entitlement will include a companion.
- iv. The scheme will be run by Transport Scotland, the new executive agency directly accountable to Scottish Ministers.
- v. The bus scheme will cost a maximum of £159m in 2006-07 and £163m in 2007-08.
- vi. 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 was no scheme.
- vii. 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 public services through a single card. The card will be electronic and will help to prevent fraud.
- viii. Alongside the bus scheme, older and disabled islanders will also be entitled to two free return ferry trips to the mainland.

The Draft Orders

The scheme will be made under two Orders under section 40 of the Transport (Scotland) Act 2005. The first Order is affirmative resolution and will form the scheme itself (provisions on, for example, admission and participation of operators, reimbursement and verification of payments). The second Order is negative resolution 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.

The draft Orders benefited from the work of the seven task groups referred to above. The consultation opened on 24 October 2005 and closed on Monday 5 December. The document was circulated to over 500 individuals and organisations for comment and 133 groups or individuals responded.

This response details the Executive's comments and proposals on the draft National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006. The further response will include comment and proposals on the draft Eligible Persons and Eligible Services Order and provision of ferry entitlement to islanders.

SUMMARY OF ANALYSIS OF RESPONSES TO THE CONSULTATION

The consultation paper seeking views and comments on the two draft Orders were sent to over 500 interested parties including every bus operator, every Local Authority, Health professionals and organisations, Transport Groups, Equality and Disability Groups and Older people's groups. In addition, the consultation document was published on the Scottish Executive website.

The consultation period ran for six weeks commencing 24 October 2005 and closing 5 December 2005. A total of 133 responses to the consultation was received for consideration.

A total of 110 responses received were from organisations, including public bodies, private companies, voluntary groups and local government. The remaining balance of 23 responses was received from individuals. Table 1 shows the break down by sector of those that responded to this consultation.

Central Government	1
Local Government	24
Transport Groups	13
Tourism	1
Equalities & Disabilities	36
Public	23
Older People Groups	6
Health	16
Bus Operators	10
Other	3
TOTAL	133

**Table 1:
Breakdown by sector of
responses**

Annex B lists all those organisations that responded to the consultation process.

Where permission has been given by the respondent to publish their response, copies of these responses to the consultation process have been lodged in the Scottish Executive Library where they can be viewed contacting 0131 244 4565. They can also be viewed on the Scottish Executive Website at www.scotland.gov.uk/consultations.

The Executive is grateful to all those who submitted feedback and comment whether as individuals or representing stakeholder organisations.

Responses to Questions in the Consultation Paper

The consultation paper asked five questions in relation to the Draft Scheme Order, the proposed categories of eligibility, a proposal on self-assessment of eligible persons, Eligible services and an extension of the entitlement to allow island residents access to the mainland.

This response will detail comments relating to Questions 1 & 4, specifically the scheme order and eligible services in the scheme. A further final response covering questions 2, 3, 5 (Eligible Persons, Self Assessment and Ferries) will be issued in due course.

Some respondents chose to comment on areas out with the scope of the consultation. These responses were out of the scope of the consultation either because they go beyond the terms of the scheme or are out with the spirit of the agreement with CPT on the basis on which operators will take part. We do not intend to respond to all comments directly out with the scope of the consultation but have responded where it is believed helpful to do so.

**SCOTLAND-WIDE FREE BUS SCHEME FOR OLDER AND DISABLED PEOPLE –
RESPONSE TO THE PUBLIC CONSULTATION*****Question 1 - Do you have any comments on the scheme as described in the consultation paper and as set out in the draft Order on the scheme?***

This question related to the provision of the scheme and proposals for how the scheme would be administered. 65 respondents chose to comment on question one. Most respondents welcomed the introduction of the scheme. Comments like those expressed by Sense Scotland below were echoed by a considerable number of respondents.

SENSE SCOTLAND – ‘The Introduction of this scheme is very welcome indeed, particularly as it extends across the whole day and is consistent across the whole of Scotland.’

Responses to Question 1**Rate of re-imburement**

Of the 65 respondents to Question 1 less than 10% felt that the **re-imburement rate** at 73.6% of the average adult single fare rate was too high. However, a similar percentage of respondents felt the rate would be detrimental to some non-profit making services. The majority (over 85%) gave no comment for or against the reimbursement rate.

Response

The majority of respondents did not feel the need to comment on the reimbursement rate. The rate of concession agreed between Scottish Ministers and the Confederation of Passenger Transport takes into account season and multi journey discounts offered by operators as well as the need to provide additional capacity generated by the introduction of the scheme. The rate is considered to be fair and appropriate.

Fraud

4 stakeholders were concerned as to whether the scheme could adequately deal with potential fraud, in particular the potential for bus operator fraud by drivers charging to fare stages beyond the passenger’s alighting point.

Response

The use of Smartcard technology is intended to minimise the scope for fraud. To the extent that the Smartcard technology and the related ticket machine infrastructure will be delayed, rigorous non-smart verification procedures will be in place at the outset.

In addition the scheme will be fully auditable and subject to safeguards to prevent operator fraud. Auditors will randomly sample buses and compare actualities with

operator records to ensure that operators are not defrauding the scheme. Fare stages are determined by the operator and do not necessarily align with where a passenger alights, in which case the fare would be charged to the next fare stage on the route. We are content that this rigorous risk assessment of fraud potential will ensure that appropriate measures will be taken to limit any fraudulent activity.

Carriage of concessionary passengers

A number of responses were received commenting that the scheme Order failed to mention that an eligible person has the same rights as a fare paying passenger for the purpose of travel.

Respondents also felt that where a reservation fee is charged in advance of a journey for the reservation of a seat, that concessionary travellers should not have to pay a disproportionate amount than a fare paying passenger would.

Response

The Executive will make it clear in the guidance to operators on the operation of the scheme that concessionary passengers must be carried with no discrimination between them and any other passenger. The guidance will make it clear (a) that 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 passenger without a reservation; and (b) that where an optional seat reservation system is used, concessionary passengers must also have the option of travelling without a reservation, subject to seats being available.

Travel cards

21 responses commented on the procedures in the event that **a card fails to be read**, 81% of which raised concern with the cards being withdrawn and the effect withdrawal would have on the individual.

In the event of the card malfunctioning the draft Order proposed that the card holder would have two options:

- To hand over the card to the driver and receive a receipt that will act as a valid ticket for travel for the remainder of that day;
- To keep their card but pay the adult fare for the journey they intend to make thus allowing the card holder to also use their Entitlement Card for other services which they would be unable to access if they did not have their card (eg Meals-on-Wheels).

The Poverty Alliance said that the proposed process for dealing with malfunctioning cards was ‘impractical, inappropriate and penalised the individual for no reason.’
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In addition some respondents felt that travel for the remainder of the day should be extended to allow time for a replacement card to be sourced. In particular some respondents commented that specific groups of vulnerable people may be even more disadvantaged if their card is removed.

The Disability Rights Commission “Removing the card would have a disproportionate impact on disabled people (who are already generally on a low income)”.

It is essential for the integrity of a Smartcard-based system that there is a restriction on the use of cards which do not work and an incentive to the individual to ensure their card is in current working order. Otherwise, over time, the integrity of the scheme would degenerate as fewer and fewer cards would be working properly which would raise issues about fraud and accuracy in operator reimbursement.

Response

The Executive now proposes that when a card cannot be read the options available to the holder should be:

- *The card holder hands over the card to the driver. The driver issues a receipt for the card that will act as a valid concessionary travel pass for seven days free travel (rather than the remainder of that day as initially proposed). The card would then be withdrawn by the driver and returned by the bus operator to the card issuing centre for a new card to be issued.*
- *The card could be defaced by the driver making it invalid for future bus travel but is retained by the individual. The driver issues a receipt for the card that will act as a valid concessionary travel pass for seven days free travel (rather than the remainder of that day as initially proposed). By retaining the card the obligation would be on the individual to contact their card issuing centre to arrange for a replacement. Defacing would allow cards which are multi-functional to continue to be used to access other card services while awaiting a replacement card.*
- *As initially proposed, the individual would keep their card but pay the full adult fare for the journey they intend to make.*

This is a technical and procedural issue. Accordingly, the procedures to be adopted in relation to cards where there is transaction failure will not appear in the Order but will be included in the guidance for operators.

Where travel cards are deliberately misused, they will be withdrawn and the travel entitlement may be suspended.

Peak hour restrictions.

16 respondents commented on the scheme’s proposal to allow all day travel without any peak restrictions, 50% of which welcomed abolition of peak time restriction and that it would allow vulnerable groups to access crucial services with out time restrictions. Further respondents commented that it was only fair to let disabled people travel at peak times as restrictions could jeopardise both their social and economic activity.

For example, John Wheatley College saw great advantage in the proposal as it will “benefit enormously those individuals with Additional Support Needs who are undertaking vocationally orientated education programmes.”

Contrastingly other respondents felt that lifting the peak hour restrictions may impact on capacity and lead to overcrowding at times when commuters required to travel to work.

Response

The scale of investment in concessionary travel means that there should be a general benefit to bus services. One of the reasons why the Executive chose bus services to deliver our commitment to free travel for older and disabled people is that the bus is the most flexible form of public transport. It is for bus operators to consider whether to run additional buses should increased numbers of concessionary passengers lead to capacity constraints in the morning peak or at any other time of day. In fact the reimbursement rate of 73.6% takes account of the fact that the operator may need to provide additional capacity to meet the increased demand.

On balance at the heart of the Executive's commitment is the aim to help vulnerable groups increase their social, economic and health opportunities through this scheme and the abolition of the peak restriction would reduce the barriers to scheme users achieving this. Transport Scotland will however measure the impact of the effects of the national scheme and the lack of peak restriction on passenger numbers, average fares, network coverage and levels of service.

Question 4 - Do you have any comments on the bus and coach services which will be included in the scheme as described in the consultation paper and as set out in the draft Order on the scheme?

This section looked for comments on the proposed bus and coach services that are to be included in the new Scotland-wide Bus scheme for older and disabled people. 57 respondents chose to comment on question four. Primarily respondents welcomed the fact that scheduled coach services are to be included in the scheme as well as local registered bus services thus allowing easier longer journeys for older and disabled people.

Night Services.

Whilst welcoming the introduction of the scheme on inter-urban and cross-boundary services and the abolition of the morning peak restriction on concessionary travel, 5% of those responding to question 4 suggested that all night bus services be included in the scheme, including those that are registered separately and that charge a higher fare.

Response

All services that are registered as local bus services and operate throughout the day will be included. If the service is operated after midnight on the same route registration then it too will be included. If however the service operates throughout the night at a premium (instead of charging the standard daytime fare to fare paying passengers) then these will not be part of the scheme as a premium fare is charged for the special amenity of these services. In addition, night bus services that operate at a premium are excluded from the overwhelming majority of existing concessionary travel schemes.

Accessibility

A number of responses were received from groups representing older and disabled people in remote areas who suggest that the introduction of the scheme would have limited impact due to the accessibility of bus services in remote areas of Scotland. Some comments also expressed a desire that free concessionary travel should be extended to include transport provided by the community transport sector and demand responsive transport generally.

Response

The scheme will include those community transport and demand responsive services which are registered with the Traffic Commissioner as local services and which are available to the general public. The scheme does not extend to services which are available only to particular groups. Improving transport for disabled people will be addressed in taking forward the Executive's commitment to improving accessibility. The Partnership Agreement committed the Executive to exploring how to improve transport for disabled people, including looking at the issue of whether concessions should be enhanced. This research is to complete in Spring 2006 after which the Executive will be able to look at whether it can add the Community Transport sector and more demand responsive services.

Inclusion of Other Modes of Travel

As stated before overwhelmingly respondents welcomed the introduction of the new Scotland-wide Free Bus scheme, as it would be hugely beneficial to users both socially, physically and financially to its users. Given its appeal some responses looked for the scheme to be extended to include other modes of travel including rail and ferry.

Response

Buses are the most widely available and have the highest usage numbers of any mode of public transport. Their flexibility in terms of capacity and accessibility make them the most suitable mode of transport for the concession scheme. The Partnership commitment was to offer a national free off-peak bus scheme for older people and people with disabilities and there funding made available to support this was based on a bus scheme not a multi modal scheme.

On the introduction of the new national bus scheme, local concessionary schemes will no longer be responsible for bus concessionary travel for older and disabled people. However some local schemes offer individuals additional local entitlements such as rail or ferry. These additional entitlements will remain the responsibility of local scheme manager and the Executive has agreed with COSLA and has made it clear that it will not withdraw from local authorities any funding relating to these additional entitlements. The Executive's agreement with COSLA ensures that local authorities continue to be resourced for concessionary travel on other modes and that resources needed for supported bus services are protected.

In addition to the Executive's commitment to a concessionary bus scheme, two free return ferry journeys are being offered as a minimum to all Scottish island residents.

Issue of Return Tickets

It was suggested by 3 respondents that a return ticket be issued for longer journeys as opposed to a single ticket for each leg of a journey. The respondents suggest that issuing return tickets would offer greater peace of mind to travellers who may fear 'being stranded' should they be travelling a distance.

Response

Commercially issued return tickets for fare paying passengers simply provide a monetary discount over the price of two single tickets to the traveller. Commercially issued return tickets, as with commercially issued season or multi-journey tickets are subject to the operators published terms and conditions which overwhelmingly do not make any guarantee of accommodation on any particular journey for the holder of such tickets. To that end the Executive will not seek to introduce return tickets as they would not offer any guarantee of carriage on a particular journey. In addition, it could open up opportunity for operator fraud.

It may however be possible to make a reservation for a seat on a particular journey subject to availability and a charge levied in accordance with the operator's published terms and conditions of carriage.

As mentioned earlier under carriage of concessionary passengers, the scheme guidelines will state that concessionary passengers must be carried with no discrimination between them and any other passenger. Thus concessionary passengers will have an equal right to travel on any return leg of a journey as any other fare paying passenger.

Provision of Information

It was felt by several respondents that the introduction of the scheme would allow greater choice and flexibility for travel and create a greater sense of independence for some of the most vulnerable people in society. However some responses also called for better travel information on bus services and that information is in easily accessible formats that met the needs of card holders.

Response

The Executive supports public transport information and journey planning services through Traveline Scotland and Transport Direct. Traveline Scotland (Tel 0870 608 2608), provides high quality journey planning and transport information for all forms of public transport in Scotland. The same Scottish data is also provided to Transport Direct (<http://www.transportdirect.info>) which provides a Britain wide 'door-to-door' internet transport and information journey planner service.

Transport Direct includes both cars and public transport in the journey planner and provides real time traffic information and on-line ticket purchasing.

Personal Data

3 of the 130 respondents sought clarification on the possible use of personal data collected as part of the operation of the scheme.

Response

Transport Scotland will have clear data handling procedures, when dealing with personal data and card usage information. Card usage information will be collected to ensure accurate reimbursement of operators and assist with the development of the scheme in the future. Card usage data will be anonymised so that individuals cannot be identified. Personal information will only be held to the benefit of the administration of the scheme and that information may only be shared with departments or agencies of the local authority, other Scottish Local Authorities and the Scottish Executive that already hold such information, where an individual has given express permission to do so. The purpose of sharing this information is to ensure that personal details are correct, wherever they are held by these bodies. This will allow these bodies to identify and administer any public services which the individual is eligible to receive.

The Blind Scheme

Some respondent sought information on the future of the National Blind Scheme following the introduction of the Scotland-wide Free Bus scheme for older and disabled people. The Blind Scheme allows approximately 11 thousand blind or partially sighted travel by bus and on some rail and ferry journeys and the issue was raised that the wider travelling benefits on other modes should not be taken away.

Response

Those who currently qualify for multi-modal travel through the National Blind Scheme should receive the same entitlement to travel as they currently enjoy now following the introduction of the Scotland-wide Free bus scheme.

On the introduction of the Scotland-wide Free Bus Scheme, the current local concessionary schemes will no longer hold responsibility for concessionary bus travel for older and disabled people. The bus element of all local schemes will be the responsibility of the Transport Agency as part of the Scotland-wide free bus scheme. This will include bus travel for the blind.

All non-bus concessionary entitlements will remain the responsibility of the local concessionary schemes.

The national arrangements for non-bus concessionary travel for the blind are currently available through local schemes and are not affected by the introduction of the national bus scheme. They are – and on that basis remain – the responsibility of local scheme managers. The Executive has made specific efforts to

ensure that local authorities continue to be resourced for additional entitlements to concessionary travel.

The introduction of the Scotland-wide bus scheme means that responsibility for the bus element of the Blind Scheme transfers to the Transport Agency. However, for non-bus elements, the status quo applies and, from the perspective of the card holder, the introduction of the Scotland-wide free bus scheme makes no material change to the journeys they can undertake on the different modes.

Monitoring Performance of the Scheme

Some respondents commented that they wished to see some form of monitoring of the Scheme following its introduction.

Mobility and Access Committee for Scotland. – ‘In the interests of best value and accountability the Committee urges the Scottish Executive to ensure that Transport Scotland sets objectives that will monitor the outcomes of the Scotland-wide scheme and provide information about the usage of the scheme.’

Response

Transport Scotland will be responsible for the monitoring and evaluation of the scheme following its introduction. In addition to the verification procedures put in place to prevent fraudulent abuse of the Scheme, the scheme will be subject to a full review in 2009. The statistical and performance information gathered by Transport Scotland will be used to shape and develop the scheme over time ensuring that it continues to meet the needs of its users and the aims of the Executive.