

PE1549/C

Bus and Local Transport Policy Team
Transport Policy

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Mr Ned Sharratt
Assistant Clerk
c/o Public Petitions Clerks
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

Your ref:

Our ref:

Date:
5 May 2015

Dear Mr Sharratt

CONSIDERATION OF PETITION PE1549

Calling on the Scottish Parliament to urge the Scottish Government to ensure that all war veterans that are in receipt of a War Disablement Pension can get Concessionary Travel Passes.

Your letters of 1 April to Bertrand Deiss sought the views of Transport Scotland and the Scottish Government on the petition and the discussions that took place during the Public Petitions Committee meeting on 31 March 2015. The Committee also asked the Scottish Government to confirm:-

1. How many individuals would become eligible for a concessionary travel pass and what would be the estimated cost should the change the petitioner is seeking be made; and
2. To indicate how many people would be eligible from the civilian population should criteria similar to those that the petitioner seeks for veterans be applied to everyone and what would be the estimated cost.

In reply, firstly I would draw your attention to the letter of 19 March to Jim Eadie MSP, convenor of the ICI committee, in which the Minister for Transport and Islands makes it clear that there are no current plans to extend the eligibility criteria for the National Concessionary Travel Scheme.

Background Information

Compensation for armed forces personnel and veterans, where a disability or illness has occurred as a result of their service in HM forces, is paid under one of two separate schemes, the War Pension Scheme or the Armed Forces Compensation Scheme, depending on when the injury or illness occurred.



War Pension Scheme

A War Disablement Pension (WDP) is paid under the War Pension Scheme (WPS) to those who were injured or have become ill as a result of their armed forces service before 6 April 2005. The amount of pension payable is based on the severity of the injury/disability/illness ranging from 0% to 100%. The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 sets out disablement percentages for certain specified injuries. Percentages for non specified injuries are decided by medical professionals.

Those assessed as under 20% disabled receive a one off gratuity payment. This is for less severe injuries such as loss of toes or fingers. Those with more severe injuries are assessed in bands of 10% from 20% up to 100%.

Those assessed at 40% disabled may be entitled to an additional Mobility Supplement if their disability severely affects their ability to walk.

Armed Forces Compensation Scheme

Those who were injured or have become ill as a result of their service on or after 6 April 2005 are assessed under the Armed Forces Compensation Scheme (AFCS). Similarly to the WPS, claimants are assessed on the severity of their injury or illness incurred in service. Injuries/illness are, however assessed on a tariff basis instead of a percentage. Tariffs range from 1, for the most severe injuries, up to 15 for more minor injuries. Tariffs are set out in The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.

National Concessionary Bus Travel Scheme for Older and Disabled People (NCTS)

Since its introduction in 2006, the NCTS has included a range of disability-based eligibility criteria. For the purposes of the scheme, disability is regarded as a physical or mental impairment that severely affects a person's mobility and, therefore, their ability to carry out day to day activities.

Prior to the introduction of the scheme a public consultation exercise was held asking for views on the proposed eligibility criteria. The responses received and discussions held with local authorities, bus operators and the Mobility and Access Committee for Scotland were taken into consideration before the criteria were agreed by the Scottish Parliament. The disability criteria are aimed at those who have the most difficulty in getting out and about, accessing services and facilities and carrying out everyday tasks as a result of their disability.

The only criterion that relates specifically to veterans is receipt of a War Disablement Pension Mobility Supplement. War pensioners and veterans who do not meet this criterion are not eligible for NCTS, unless they satisfy one of the other disability criteria, in keeping with the eligibility of civilians with similar levels of disability. There is no NCTS eligibility criterion specifically for those in receipt of AFCS awards. A summary of the full eligibility criteria is given in Annex A.

Service Personnel Command Paper Commitment

In July 2008, the UK Government made a commitment in its Service Personnel Command Paper to extend eligibility of concessionary travel schemes to include seriously injured personnel and

veterans by 1 April 2011. Discussions were held with the Department for Transport and Welsh Government over a number of months as to how this commitment could be taken forward to ensure a consistent approach throughout GB. It was initially felt that legislation could be amended to include seriously injured HM service personnel and veterans as a separate category of eligible person. However, this option was not pursued due to the potential for legal challenge on disability discrimination grounds from civilians with similar disabilities.

Instead, the commitment was met by including automatic eligibility for seriously injured veterans and service personnel who received a lump sum payment under the AFCS within tariff levels 1 to 8 (for injuries affecting mobility) and who fell within the existing disability eligibility categories of the concessionary travel schemes.

In Scotland, this enables seriously injured service personnel and veterans who already meet the eligibility criteria of the NCTS to use their AFCS award letter as evidence that they qualify under the scheme without the need to undergo further medical assessments or provide further documentary evidence. These arrangements enable applications from these eligible service personnel and veterans to be fast tracked, making the application process quicker and easier.

The Scottish Government is fully committed to the principles and ethos of the Armed Forces Covenant in respect of our devolved responsibilities. The principle of the Covenant is that the Armed Forces Community should face no disadvantage compared to other citizens in the provision of services, and the arrangements put in place across the UK, including Scotland, aim to ensure that that is the case.

Information requested

Question 1

Transport Scotland estimates that an additional 4,000 individuals could become eligible for a National Entitlement Card at an additional cost to the scheme of £0.6m in 2015-16 and also in 2016-17 if the change the petitioner seeks is made. These estimates take into account War Disablement Pensioners, aged under sixty, who are in receipt of a pension assessed at 20% and 30% disability and those in receipt of an AFCS award in tariffs 9 to 15. The AFCS awards include recipients of all ages as information for the UK shows that less than 0.5% of claims are made by those over 60. A Scottish age breakdown of recipients is not available.

These figures have been modelled based on Ministry of Defence War Pension Scheme Annual Statistics (to March 2014) and UK Armed Forces Compensation Scheme Biannual Statistics (to September 2014) using assumptions for uptake based on current NCTS use - not all those eligible actually take a pass.

Question 2

It's estimated that up to 42,000 additional individuals could become eligible for a National Entitlement Card at an additional cost to the scheme of up to £6.8m in 2015-16 and £7m in 2016-17 if the change the petitioner seeks for veterans is applied to people with disabilities in the civilian population. These estimates are based on numbers of recipients of the lower rate of the mobility and care components of Disability Living Allowance (DLA).

A large number of representations have been made since the scheme was introduced to include those in receipt of the lower rate care and mobility components of Disability Living Allowance (DLA), including discussion of Petition 1162 by the Public Petitions committee in 2008-9. This is

awarded to people who have less severe disabilities. If the scheme was extended to make the change Mr Young requests, consideration would need to be given to also including those receiving lower rate DLA to avoid discrimination issues. As you will see from Question 2 above this would add substantial cost to the scheme.

I hope this is helpful.

Yours sincerely

NANCY WOODHEAD



National Concessionary Travel Scheme for Older and Disabled People

Eligibility Criteria

The eligibility criteria for the above scheme are set out in the [National Bus Travel Concession Scheme for Older and Disabled Persons \(Eligible Persons and Eligible Services\) \(Scotland\) Order 2006](#) as amended by [The Welfare Reform \(Consequential Amendments\) \(Scotland\) Regulations 2013](#). The scheme is open to anyone who meets one or more of the following criteria:

Older People: Persons aged 60 and over who are resident in Scotland

Disabled People: Persons of fare paying age, resident in Scotland, who are in receipt of one or more of the following benefits or awards:

- the higher rate of the mobility component of Disability Living Allowance
- the higher or middle rate of the care component of Disability Living Allowance
- Attendance Allowance
- Personal Independence Payment.
- War Disablement Pension Mobility Supplement

Also, persons of fare paying age resident in Scotland who:

- hold a Blue Badge
- are profoundly or severely deaf
- are blind or partially sighted
- have been told not to drive on medical grounds
- have a mental illness, learning difficulty or personality disorder that is recognised under the Mental Health (Care and Treatment) (Scotland) Act 2003 and has lasted for more than a year and they need to travel to health or social care appointments as part of their treatment activities, care or a rehabilitation programme.
- have a terminal illness
- have a progressive degenerative condition, such as Parkinson's Disease, that severely impedes their mobility
- have lost one or both legs, both arms or an arm and a leg