

# Concessionary Fares for Disabled People: Eligibility Guidance

The seven categories of disabled person include any person who:-

## Is blind or partially sighted

"Blind" means having a high degree of vision loss i.e. seeing much less than is normal or perhaps nothing at all.

Blind people can register with their county council. For this to happen, a consultant ophthalmologist (eye specialist) must have completed a form and submitted it to the blind person's local social services department. In general terms a person can be registered as 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 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.

"Partial sight" 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.

A person can be registered as 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.

The Department for Transport advises that permits should be issued to people whose sight is so impaired that they would be able to register as blind or partially sighted. For both blind and partially sighted people, however, registration is voluntary. It is recognised that local authorities are unlikely to have the expertise to assess applicants so, for the purposes of the travel concession local authorities may, where a person is not on the local authority blind and partially sighted register, require evidence that the applicant is registerable as blind or partially sighted from an eye specialist, for example, an optometrist.

## **Is profoundly or severely deaf**

Hearing loss is measured in decibels across the normal hearing spectrum, as DBHL (Hearing Level). People are generally regarded as having a severe hearing loss if it reaches 70-95 DBHL and a profound loss if it reaches 95+ DBHL. The Department of Transport advises that the statutory minimum should be made available to people in these categories.

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.

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

## **Is without speech**

Included within this category are people who are unable to communicate orally in any language.

Those people will be:

- unable to make clear basic oral requests e.g. to ask for a particular destination or fare;
- unable to ask specific questions to clarify instructions e.g. "Does this bus go to the High Street?"

This category would not, in the Department of Transport's opinion, cover people who are able to communicate orally but whose speech may be slow or difficult to understand because, for example, of a severe stammer.

In considering an application on these grounds the local authority may reasonably request medical evidence to support the application in appropriate cases.

## **Has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on his ability to walk**

To simplify the assessment process, local authorities may wish to accept receipt of the following state benefits, which link eligibility to the ability to walk, as evidence of eligibility under this definition provided that the award of the benefit has been for at least 12 months:

- Higher rate mobility component of Disability Living Allowance (DLA) ;
- War Pensioners mobility supplement.
- Severe Disablement Allowance.
- Higher rate of Attendance Allowance.

Applicants claiming these benefits will be able to produce documentary evidence of their entitlement.

In assessing the eligibility of other applicants local authorities will wish to consider:

- whether the applicant cannot walk for distances up to 100m without stopping, severe discomfort or help from another person.
- whether a mobility aid is used - wheelchair, crutches, walking frame etc

It is envisaged that permits will be issued to people who can only walk with excessive labour and at an extremely slow pace or with excessive pain. In other words, the degree of disability should not fall far short of that required to qualify for the higher rate mobility component of DLA.

Where the applicant is not in receipt of the benefits mentioned above, or the local authority chooses not to use that mechanism, the Department of Transport advises that the authority should normally seek medical evidence to support the claim that the applicant's walking ability is permanently and substantially impaired. Occupational therapists may also be able to provide the necessary assessment to support the claim.

## **Does not have arms or has long-term loss of the use of both arms**

This category includes upper limb double amputees and those with congenital absence of both upper limbs.

In the Department of Transport'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 seek independent medical evidence to support the application.

## **Has a learning disability, that 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. The person should be able to qualify for specialist services and he or she may have had special educational provision. 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. In determining eligibility in a case where there has been no previous contact with specialist services a local authority should normally seek 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 County council.

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

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:

- i. epilepsy (unless it is of a type which does not pose a danger - see below);
- ii. severe mental disorder
- 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

[NB: 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 Act and are thus not entitled to the statutory minimum.]

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). For people with any of the disabilities (ii) - (iv) listed above the local authority can be confident that a licence would be refused and should therefore be able to issue the travel pass automatically.

For epilepsy - the bar is not automatic and depends on the circumstances: The Motor Vehicles (Driving Licences) Regulations 1999 permit the grant of a driving licence to a person with epilepsy if that person:

- (a) has not had an epileptic attack whilst awake for a year or more, or

(b) has a history of attacks whilst asleep, and only whilst asleep, over the past three years or more, provided that the driving of a vehicle by that person is not likely to cause danger to the public.

Other groups not covered by the Regulations include:

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;

Insulin dependent diabetics. 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;