



The Scottish Parliament
Pàrlamaid na h-Alba

Equalities and Human Rights Committee
Christina McKelvie MSP
Convener

Sandra White MSP
Convener
Social Security Committee
The Scottish Parliament

T2.60
The Scottish Parliament
Edinburgh
EH99 1SP

Via email only

Tel: 0131-348-5217
equalities.humanrights@parliament.scot

10 October 2017

Dear Sandra White,

The National Bus Travel Concession Scheme for Older and Disabled Persons Scheme

On 29 June 2017 we considered a letter from [Mrs Doris Duff](#) from Edinburgh concerning the National Bus Travel Concession Scheme for Older and Disabled Persons Scheme (the Scheme). While the Committee does not deal with individual cases, her letter raised a general point around the treatment of permanently disabled people in comparison with those who access the scheme having met the age criteria, which we considered required further investigation. Currently, people over the age of 60 do not have to renew their National Entitlement Card, but disabled people have their card for up to 3 years and will then have to re-apply.

In investigating this issue, the Committee wrote to the Minister for Transport and the Islands on [2 August 2017](#), seeking further information on the operation of the scheme. The Minister responded on [7 September 2017](#).

Our concern specifically relates to the equity of treatment of permanently disabled people in comparison with older people. We were unclear whether the additional hurdles faced by permanently disabled people in accessing the Scheme and retaining access were due to the policy approach taken or difficulties in joining-up the

social security system with the process for the National Entitlement Card. We also noted different local authorities took different approaches to the renewal process.

From the Minister's response we understand one of the main difficulties is "local authorities do not hold specific details about individual conditions, this means that up to date eligibility confirmation is required for all people applying on the grounds of a disability." The Minister goes on to state "these measures are not designed to disadvantage vulnerable citizens, but to ensure that only those people who are eligible have access to the scheme".

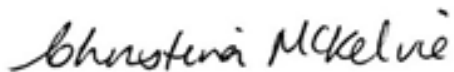
It is our understanding your Committee is currently considering the Social Security Bill at Stage 1. Section 8 places a duty on the Scottish Ministers to give a person assistance of a kind described in Chapter 2 of Part 2 where the person is entitled. Entitlement to assistance under section 8 flows from a determination of entitlement. The ways in which a determination of entitlement may be made are set out in section 9 of the Bill. Our interest concerns disability assistance as provided for under section 14 and the power to set out the detail of this assistance by regulation at subsection (2).

We suggest that the Scottish Government ensures that disabled people who are entitled to a National Entitlement Card because they are in receipt of certain social security benefits, and whose disability or condition is permanent, should not have to periodically apply to renew the National Entitlement Card.

Additionally, we note from the Minister's response that an Equality Impact Assessment (EIA) was not carried out on the Regulations which provide for the Scheme when it was established, or reviewed, although feedback from users of the Scheme was obtained in 2012-13. We raise this with you to ensure that regulations arising from the Social Security Bill are equality impact assessed so as not to have any unintended consequences in line the Public Sector Equality Duty, which aims to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between people with different protected characteristics,.

I am happy to meet with you, or to provide evidence to the Committee, should this be of help. We have also written the Minister for Transport and the Islands.

Yours sincerely,



Christina McKelvie MSP
Convener
Equalities and Human Rights Committee

