

Equality Commission

FOR NORTHERN IRELAND

EQUALITY COMMISSION FOR NORTHERN IRELAND

Response to consultation: Department for Infrastructure - Free and discounted fares on public transport (concessionary fares)

August 2023

1 Introduction

- 1.1 The Commission welcomes the opportunity to respond to the consultation by the Department for Infrastructure (the Department) on free and discounted fares¹.
- 1.2 A summary of Section 75 advice and feedback on the EQIA is set out below (with more detailed advice appended) and is followed by our policy response which draws on our work across a range of policy areas including that derived from our role as part of the 'Independent Mechanism' in Northern Ireland to promote, protect and monitor the implementation of the United Nations Convention on the Rights of Persons with Disabilities.²

¹ [DoI 2023 - NI Concessionary Fares Scheme - Draft Consultation Document.](#)

²

2 Summary of Section 75 / EQIA Guidance

- 2.1 The Department for Infrastructure (DfI / the Department) is consulting on proposed changes to the Concessionary Fares scheme. It has produced a separate Equality Impact Assessment (EQIA) and is consulting on it at the same time as the policy consultation document, which is positive. This enables consultees to engage effectively in this policy review. The Commission welcomes that the Department has followed the 7-step process for an EQIA, has included relevant data and has assessed the potential equality and good relations impacts of the proposed policy changes.
- 2.2 The EQIA identifies 'adverse impacts' of the cost saving policy proposals and sets out a few mitigation measures. It has also proposed several policy changes which potentially 'better promote equality of opportunity and good relations', if implemented. However, we note that some of these policy proposals may not be progressed due to the Department's current budget considerations. Given that some of these policy proposals could have relatively lower costs or no cost, the Department should clarify in the Stage 6 report which proposals it has decided to take forward.

Policy Aims

- 2.3 The Department clearly outlines its proposals for changes to the policy; however, it would also be helpful to set out the broader context of how other transport policies relate with this policy. In addition, to increase transparency, the EQIA should also include information re other policy options considered, as referred to at para 4.6, including options in relation to younger people aged 16-23.

Data

- 2.4 The EQIA includes some relevant data. It will be important to add and consider, in the Stage 6 EQIA report, additional relevant data and information provided as part of the consultation responses.

Assessment of Impacts

- 2.5 The Department has assessed clear potential equality impacts in relation to age, disability, race and those with dependents. It has also considered multiple identity impacts. The assessment in relation to 'older women' is however unclear. In its Stage 6 EQIA report, the Department should re-assess the potential equality and good relations impacts, considering additional data and information collected as part of the consultation.

Mitigation/Alternative policies

- 2.6 The Department has set out three proposed mitigating actions, one of which positively proposes mitigation in relation to adverse impacts on disabled people. The remaining mitigations appear to phase in the cost saving proposals for everyone and do not appear to address the other potential adverse impacts identified on e.g. people with dependents, on older women (see comment above).

- 2.7 **The Commission recommends consideration of further mitigation and/or alternative policies**, e.g. mitigation relating to rail travel for some disabled and older people for whom bus travel is inaccessible and/or considering the potential for redistribution of internal budgets, to enable the proposals relating to promoting social exclusion to be implemented.

Consultation

- 2.8 The Commission welcomes that the Department is consulting for 12 weeks, as per equality scheme commitments, has been proactive in providing alternative formats and is engaging the Inclusive Mobility and Transport Advisory Committee (IMTAC) to facilitate conversations with people impacted by the proposals.

Decision-making

- 2.9 It will be important in the Stage 6 report that the Department sets out how it /decision maker has 'taken into account' the consultation responses. In addition, clarity is required on which policy proposals will move ahead in the context of the Department's current budget situation, as referenced in the consultation documents.

Section 75 Monitoring

- 2.10 There are no Section 75 monitoring arrangements set out in the consultation EQIA. This should be addressed in the final Stage 6 EQIA report and subsequently this information must be published within 2 years of adopting the decision.
- 2.11 The Commission provides this Section 75 advice to assist the Department to fully consider and inform its policy decisions, post consultation. The Stage 6 EQIA report should set out and consider the advice provided in this response and other consultation responses.
- 2.12 Further detail on this summary is set out in Appendix 1 enclosed with this response.

3 Equality Commission Policy Response

- 3.1 The Department's consultation document outlines that The Northern Ireland Concessionary Fares Scheme (the Scheme) was established to promote accessible public transport for members of the community who are most at risk of social exclusion. It aims to do so by providing free and discounted fares on public transport for some groups of people.
- 3.2 We note that the Department recognises the importance of free and discounted travel in the everyday lives of older and disabled people.

Options To Reduce Scheme Costs

- 3.3 The Commission notes that the Department's EQIA identifies that options to reduce the cost of the scheme are likely to have negative impacts on some Section 75 groups, as follow:
- **Option 1:** Raising the age of eligibility for concessionary fares has the potential to impact on some older people³, this may be particularly the case for some disabled people,⁴ some older women,⁵ and some older persons with dependants.⁶
 - **Option 2:** Limiting concessionary travel to off peak only could have an adverse impact on older people, disabled people⁷, and persons with dependants.⁸
 - **Option 3:** Limiting concessionary travel to bus travel only could have an adverse impact on older and disabled people⁹

³ Those age 60-64 (in Option A) and those aged 60-65 (in Option B). This is because some people in these age groups may choose not to travel, or travel less because they will be required to pay a fare.

⁴ [Age UK](#) estimate that 40% of older people aged 60 live with a disability. Twice national average.

⁵ E.g: 79% of women in Northern Ireland, aged 60-64 hold eligible driving licences, compared to 87.4% of men in this age group . Women in this age group may therefore be more likely to rely on public transport, as noted in the EqIA.

⁶ E.g: people who rely on grandparents traveling by public transport, to help with caring.

⁷ E.g: those who use the pass to travel to work, volunteer, or who need to travel early to attend medical and other appointments.

⁸ See footnote 7.

⁹ For example, those who mainly use rail services because it is more convenient for them. It also has the potential to reduce public transport accessibility for older people and people with disabilities who find some buses more difficult to use.

- 3.4 The Commission also notes that no adverse impacts have been identified for option 4 - Application, renewal, and replacement fees. In relation to this, we note that the Inclusive Mobility and Transport Advisory Committee (IMTAC) have highlighted concerns around administration of the current scheme.¹⁰ These relate to barriers for older people and disabled people.¹¹
- 3.5 IMTAC also highlight concerns around the overly restrictive eligibility requirements of the half-fare concession for disabled people.¹²

Changes to the Scheme

- 3.6 The Commission is aware that IMTAC is asking the Department to ensure that changes to the scheme are based solely on evidence of meeting the aims of the policy.¹³
- 3.7 Eligibility must be based on a broad assessment of those in society most likely benefit from support with the cost of travel. There is evidence that both disabled people and older people aged 66 and above are more likely to live on lower-than-average incomes¹⁴ and therefore should be part of any scheme targeted at reducing social exclusion through reducing the cost of travel. Further extensions to the scheme should be justified using the same evidential bar.

Socio-economic disadvantage

- 3.8 Whilst socio-economic disadvantage is not a specified ground under the equality legislation in Northern Ireland, the barriers and inequalities experienced by equality groups can be exacerbated by poverty and social exclusion.

¹⁰ IMTAC (2023): [Comments on Consultation on free and discounted fares on public transport](#). P10.

¹¹ For example, the requirement for older people to attend bus and train stations in person potentially discriminates against older disabled people who find it very difficult or impossible to travel.

¹² For example, people with conditions such as epilepsy who have been told they cannot drive must first apply for a driving licence & provide evidence of refusal when applying for a half fare concession.

¹³ IMTAC (2023): [Comments on Consultation on free and discounted fares on public transport](#). P9.

¹⁴ Ibid. P13.

3.9 The Commission consistently highlights the link between poverty and social exclusion, and inequalities faced by groups protected under equality law across a number of areas of public policy (such as education, housing and social protection).¹⁵

3.10 **The Commission has highlighted the need to protect the most vulnerable from the adverse impact of welfare reform including disabled people; women and lone parents; younger people; mixed aged households and people from ethnic minority backgrounds (including asylum seekers and refugees) and called for consideration of mitigating measures.**¹⁶

Cost of Living Crisis

3.11 The inadequacy of existing social protection has been further exacerbated by the current costing of living crisis which has been driven by a number of mainly global factors including the COVID-19 pandemic, an energy crisis in 2021–2022, a supply chain crisis in 2021–2022 and Russia's invasion of Ukraine in 2022. The crisis has seen the cost of everyday essentials like groceries and fuel bills rising faster than household incomes.¹⁷

Northern Ireland Budget 2023-24

3.12 We note that this consultation is taking place against a wider backdrop of Budgetary decisions related to the Northern Ireland Budget 2023-24. The Commission has substantial concerns that 2023-24 Departmental Budget proposals for Northern Ireland will combine to lead to new or further exacerbated inequalities for protected equality groups¹⁸.

3.13 While groups across all equality grounds will likely be adversely impacted by the Budget proposals, it appears from the information presented by Departments that when considered collectively, young people, older people, people with a disability and women will be more likely to experience multiple adverse impacts across a range of budget decisions and may be at more risk of substantive cumulative disadvantage than others.

¹⁵ See: ECNI (2020) [Policy positions relating to poverty and socio-economic disadvantage](#).

¹⁶ Ibid.

¹⁷ ONS (2022): [Rising cost of everyday foods leaves most vulnerable the worst off](#).

¹⁸ For further details, see: <https://www.equalityni.org/budget>

- 3.14 We note decisions highlighted within the Department’s EQIA on the Northern Ireland Budget, in particular decisions that may have an adverse impact on the same groups of people impacted by Option 1 of the Concessionary Fares scheme, for example: decisions to reduce Budget spends in public transport and community transport, as well as noting that services such as Rural ‘Dial a Lift’, Urban ‘Disability Action Transport Service’ and Shopmobility services are not funded beyond 30 June 2023¹⁹.
- 3.15 We also note that Age NI believe that the policy proposals on the Scheme should be part of the overall Departmental budget consultation and that consideration should be given to assessing the potential equality impacts of this individual policy at the strategic level which would help to identify any cumulative impacts.²⁰

Persons with a Disability

- 3.16 The Commission has consistently highlighted the importance of removing access barriers for people living with a disability, including barriers related to use of public transport as well as advancing independent living, ensuring that people with disabilities can live independently, enjoy an adequate standard of living, and access social protection²¹.
- 3.17 As the consultation paper notes, Northern Ireland is the only location in The United Kingdom and Ireland that currently does not provide free travel for disabled people.
- 3.18 Widening participation in this way is consistent with the Department’s duty to promote equality of opportunities for people with disabilities and widen their participation in public life, as well as promoting greater accessibility for disabled people, as set out Article 9 of the UN Convention on the Rights of Persons with disabilities.

¹⁹ For further details, see: [DfI EQIA \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk)

²⁰ Age NI (2023): [Travel pass...essential lifeline](#). Page 9, para 4.

²¹ For further details, see: UN Convention on the Rights of Persons with Disabilities (UNCPRD) Article 19 – Living independently and being included in the community.

- 3.19 Article 9²² of the United Nation Convention on the Rights of Persons with Disabilities (UNCRPD) requires that people with disabilities have the right to access all aspects of society on an equal basis with others including the physical environment, transportation, information and communications, and other facilities and services provided to the public.
- 3.20 This requires the elimination of the barriers that people with disabilities face in buildings, the outdoors, transport, information, communication and services, so that people with disabilities can live independently and fully live their lives. These measures should include the identification and elimination of obstacles and barriers to accessibility.
- 3.21 The Commission notes that IMTAC have advised the Department that the disparity in treatment between older people and disabled people within the current scheme is unjustifiable and inconsistent with the aims of the scheme. To achieve parity with every other comparable scheme on these islands, the scheme in Northern Ireland would need to provide free concessions on public transport services to both eligible groups of disabled people and older people.²³
- 3.22 The UN Committee on the Rights of Persons with Disabilities, in its General Comment No.2 on Accessibility, calls upon State Parties to conduct an analysis to identify the obstacles and barriers that need to be removed can be carried out in an efficient manner and within a short- to mid-term framework.²⁴
- 3.23 During 2015-16, the UN Committee on the Rights of Persons with Disabilities carried out an inquiry under Article 6 of the Optional Protocol to the Convention into allegations that serious and systematic violations of the provisions of the Convention were occurring against persons with disabilities as a result of implementation of a process of reforms of legislation and policies by the UK Government. These included allegations that the rights to independent living²⁵ and to adequate standard of living and social protection had been violated.²⁶

²² [Article 9 - Accessibility](#)

²³ IMTAC (2023): [Comments on Consultation on free and discounted fares on public transport](#). P10.

²⁴ UNCRPD (2014): [General Comment No. 2 - Accessibility](#), para 27, p. 8.

²⁵ Article 19 [Living independently and being included in the community](#)

²⁶ Article 28 [Adequate standard of living and social protection](#)

3.24 The Committee's (2016) Inquiry Report concluded that the threshold of grave or systematic violations of the rights of persons with disabilities has been met and that a large number of persons with disabilities have been affected.²⁷

Disability and Poverty

3.25 The Joseph Rowntree Foundation have highlighted that: 'Disabled people face a higher risk of poverty and have done so for at least the last 20 years. This is driven partly by the additional costs associated with disability and ill-health, and partly by many disabled people being less able to access work. With potential for work often limited, disabled people and/or families where someone is disabled frequently rely on benefits as a source of income, which at current rates will almost inevitably lead to higher poverty rates'²⁸.

3.26 Research by the Foundation (2020) found that in 2017/18, 31% of the 13 million people with disabilities in the UK lived in poverty – around 4 million people. An additional three million non-disabled people in poverty in the UK live in a household where someone is disabled, meaning that, overall, nearly half of the 14 million people in poverty in the UK are affected by disability.²⁹

3.27 Poverty is especially high among families where there is a disabled adult at nearly 33%. If there is also a disabled child, the poverty rate is 40% – more than twice the rate where there is no disability. Disabled people are more likely than non-disabled people to face barriers to paid work. In 2017/18, 50% of working-age disabled people were not working compared with 18% of non-disabled people.³⁰

²⁷ United Nations Committee on the Rights of Persons with Disabilities (2016): [Inquiry concerning the United Kingdom of Great Britain and Northern Ireland carried out by the Committee under Article 6 of the Optional Protocol to the Convention - Report of the Committee](#), paragraph 113, page 20.

²⁸ 00 Joseph Rowntree Foundation (2022): UK Poverty 2022 - [The essential guide to understanding poverty in the UK](#), page 57.

²⁹ Ibid, page 57 – 63.

³⁰ Ibid.

- 3.28 The Disability equality charity Scope UK has highlighted that ‘Life costs more for disabled people and their families, spending more on essential goods and services like, heating, insurance, equipment, and therapies. These extra costs mean disabled people have less money in their pocket than non-disabled people, or go without. The result is that disabled people are more likely to have a lower standard of living, even when they earn the same.’³¹
- 3.29 Research by the Ipsos Mori and the Trussell Trust (2023) found that nearly two thirds of people referred to food banks in the Trussell Trust network are disabled.³²
- 3.30 **Associated with the greater risk of experiencing poverty for disabled people is a greater risk of social exclusion, as acknowledged in the consultation document.**³³

Disability and Employment

- 3.31 The Equality Commission for Northern Ireland has consistently received the highest number of queries relating to discrimination from disabled people, with most related to discrimination in employment³⁴. Northern Ireland has the lowest rate of employment for disabled people in the UK. Figures for April-June 2021 report that 36.4% of disabled people are in employment compared to 80.3% of people without a disability. This means that the Disability Employment Gap was 43.9%³⁵.

³¹ See: <https://www.scope.org.uk/campaigns/extra-costs/>
Scope’s Disability Price Tag report 2019 (Available at: <https://www.scope.org.uk/campaigns/extra-costs/disability-price-tag/>) found that disabled people:

- On average, face extra costs of £583 a month;
- On average, a disabled person’s extra costs are equivalent to almost half of their income (not including housing costs);
- 1 in 5 disabled people face extra costs of more than £1,000 a month;
- Disabled people’s money does not tend to go as far. On average, £100 for a non-disabled person is equivalent to £68 for a disabled person;
- Families with disabled children on average, face extra costs of £581 a month;
- For almost a quarter (24%) of families with disabled children, extra costs amount to over £1,000 a month.

³² Ipsos and the Trussell Trust (2023): [Hunger in Northern Ireland](#), p. 13.

³³ Para 6.4, p. 33.

³⁴ For example, during the period April 2021 - March 2022, the Equality Commission NI received 1,339 disability-only enquiry/applications, out of a total of 3,138 enquiry/applications of enquiries received across all equality grounds (i.e. 43% of all enquiries).

³⁵ Toman, N. et al (2022): [Progress towards the implementation of the UNCRPD in Northern Ireland](#), page 463 (Disability Action for ECNI).

Older People

- 3.32 The Commission has longstanding positions on progressing equality on the grounds of age. Regarding older people, availability of affordable transport is key, particularly in rural areas, to accessing community care services, especially for older people without access to a car. This is relevant across all aspects of life, but particularly relevant regarding accessing essential services, such as healthcare services³⁶.
- 3.33 We also note that Age NI has also raised significant concerns about the potential adverse impact that proposals to restrict access to the Scheme could have on older people.³⁷
- 3.34 As the Department's consultation paper notes, both the Republic of Ireland and England have moved to equalise age concessions with the state retirement age. Scotland and Wales have maintained concessions at 60+.
- 3.35 On this basis, the Commission notes that IMTAC have recommended that the state retirement age should be the minimum eligibility requirement for older people in Northern Ireland, with the option to maintain current concessions for those currently in receipt. To avoid future piecemeal development of the scheme IMTAC also recommends that legislation should be passed by the Assembly equalising concessions for older people and disabled people and ensuring both groups benefit from future changes to the scheme.
- 3.36 The Commission notes that limiting concessionary travel to bus travel only could have an adverse impact on older and disabled people who mainly use rail services because it is more convenient for them. It also has the potential to reduce public transport accessibility for older people and people with disabilities who find some buses more difficult to use.

³⁶ For further details, see: <https://www.equalityni.org/Age>

³⁷ Age NI (2023): [Travel pass...essential lifeline](#). Page 9, para 1.

- 3.37 Removing concessions for rail travel will make travelling by public transport more difficult, contrary to the aims of the scheme. For the most part, the NI rail network is accessible with high quality main stations, rolling stock and staff available to provide assistance if required. There is space on board trains for people travelling with assistance dogs and bulky mobility equipment and for at least two wheelchair users. Trains also have access to toilets, essential for some people when travelling. Bus travel is much more restrictive.
- 3.38 **The Commission supports the proposal to review and revise the eligibility criteria for disabled people, using criteria from Great Britain as the baseline for proposed changes, with the future priority for eligibility focused on ensuring the scheme is targeted at people who will most benefit from the concessionary travel.**

Younger People

- 3.39 There is evidence to show that many people between 60 and 65 have higher levels of disposable income than some other age groups (younger people under 30 for example) and are much more likely to own their own home outright.³⁸ It is relevant to note that Scotland have recently extended free travel to people aged under 22 on the basis of better target its scheme on those on the lowest incomes.

Persons with Dependents

- 3.40 The Commission notes that the proposals could also impact on those with dependents. For example, those people who rely on grandparents who travel by public transport, to help with caring responsibilities while they are at work. This may also disproportionately impact on lone parents, 91% of whom are estimated to be female.³⁹

³⁸ Ibid

³⁹ NISRA: [Lone Parent Households with Dependent Children](#).

Older Women

- 3.41 Further to the point identified on para 3.3 above, older women may have less to spend on public transport. The Commission has previously highlighted⁴⁰ that older women are less likely to have occupational and private pensions and, if they do have them, are more likely to receive lower payments than men because of broken careers for caring duties. **We have recommended action to protect women with smaller pension provision.**

Additional Barriers to Social Inclusion

- 3.42 The Commission welcomes that the consultation document recognises and targets affordability as a barrier to travel. However, the Commission notes that the Inclusive Mobility and Transport Advisory Committee (IMTAC) have cautioned that concessionary fares cannot effectively tackle social exclusion in the absence of additional measures. Other barriers also need to be addressed including the availability of transport, the accessibility of transport and the acceptability of transport options; otherwise the impact of the scheme on those who experience social exclusion will continue to be limited.⁴¹
- 3.43 The Commission encourages the Department to consider the eight key priority recommendations promoted by IMTAC in relation to adopting a future approach to concessionary fares policy.⁴² These priorities reflect the principles outlined in the Department's own document, Planning for the Future of Transport – Time for Change.⁴³
- 3.44 These priority recommendations are as follows:
- Prioritise investment in providing inclusive and accessible travel opportunities;
 - Remove the disparity between older people and disabled people within the current concessionary fares scheme;
 - Strengthen the eligibility criteria for disabled people;

⁴⁰ ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), paras 13.8-13.11.

⁴¹ IMTAC (2023): [Comments on consultation on free and discounted fares on public transport](#)

⁴² Ibid.

⁴³ DfI (2022): [Planning for the Future of Transport – Time for Change](#).

- Reduce the bureaucracy of the current scheme;
- Retain the existing public transport concessions including concessions on rail travel and during peak hours on both bus and rail;
- Develop broader policies and measures aimed at tackling the cost of travel;
- Changes to the scheme must be based solely on evidence of meeting the aims of the policy; and
- Commit to undertake a periodic review of the scheme.

Options to Promote Social Inclusion

- 3.45 The options in this part of the consultation are aimed at making the Scheme more targeted at those groups of people facing social exclusion. In some cases, these changes increase the costs of delivering the Scheme.
- 3.46 Positive impacts for persons with disability have been identified within options five to seven. Positive impacts for persons who are asylum seekers and victims of human trafficking have been identified within options eight to ten.
- 3.47 The Commission notes that the Department is not currently in a position to implement the potential social inclusion changes in light of significant financial challenges. They are consulting on these options now to inform decisions on future changes to the Scheme should the Department's budgetary position change.
- 3.48 Widening participation in the ways proposed in options 5 and 6 is consistent with the Department's duty to promote equality of opportunities for people with disabilities and widen their participation in cultural life, recreation, leisure and sport⁴⁴, as well as promoting greater accessibility for disabled people, as set out in Article 9 of the UN Convention on the Rights of Persons with disabilities.⁴⁵

⁴⁴ Article 30 UNCRPD [Participation in cultural life, recreation, leisure and sport](#)

⁴⁵ Article 9 UNCRPD [Accessibility](#)

- 3.49 The Commission believes that extensions proposed to include free companion travel and free travel for asylum seekers and victims of human trafficking would be consistent with the aims of the policy and welcomes these proposals as promoting greater equality of opportunity and social inclusion.
- 3.50 Asylum seekers in Northern Ireland have been recognised as a group likely to experience poverty and destitution.⁴⁶ The Refugee and Asylum Forum has highlighted the cost of transport for asylum seekers as prohibitive, especially for families and people accommodated outside Belfast who need to travel to the city to access specialist services.⁴⁷
- 3.51 The low rates of asylum support mean that some asylum seekers cannot afford to attend health appointments.⁴⁸ The Commission notes that the Forum calls for free public transport for asylum seekers and for their carers.
- 3.52 The proposals in options 8-10 as outlined in the consultation document would improve asylum seekers' access to services such as education (including ESOL classes), health and employability training consonant with the vision of The Executive Office's draft Refugee Integration Strategy for 'a cohesive and shared society where refugees and asylum seekers are valued and feel safe, are integrated into communities and are supported to reach their full potential.'⁴⁹
- 3.53 The proposal, if realised, would also align with the vision of the Northern Ireland Executive's Racial Equality Strategy 2015-2025 for 'A society which is strengthened by its ethnic diversity, where we can live together free from racism, racial inequality and unlawful racial discrimination, where we share a common sense of belonging and where human rights and equality are enjoyed by all'. The proposals are also congruent with a number of the shared aims of the RES including those relating to eliminating racial inequality, equality of service provision, participation and social cohesion.⁵⁰

Equality Commission Northern Ireland (August 2023).

⁴⁶ Murphy, et al (2017): [Asylum Seekers and Refugee's experiences of life in Northern Ireland](#), p. 32

⁴⁷ Refugee and Asylum Forum (2023): [Priorities for Action 2023](#), p. 11.

⁴⁸ Ibid, p.19

⁴⁹ The Executive Office (2021): [Draft Refugee Integration Strategy 2022-2027](#), p. 6.

⁵⁰ The Executive Office (2015): [The Racial Equality Strategy 2015-2025](#), chapter 6, pp. 28-31.

Appendix 1 - Section 75 advice on EQIA on Concessionary Fares on proposed policy changes

Aims of policy

The Department's EQIA clearly outlines:

- The aim of the Scheme set out at Paragraph 1.1 of the policy document states: *'.....is to promote accessible public transport for members of the community who are most at risk of social exclusion.'*
- The objectives of this review are set out at Paragraph 1.26 of the policy document i.e.:
 - *'Making the Scheme financially sustainable, so that it can continue to be provided for years to come; and*
 - *Ensuring the Scheme is targeted at members of the community who are most vulnerable, or liable, to social exclusion.'*
- Policy options being considered by the Department to meet the review objectives include both cost saving options and options to promote social inclusion as follows:
 - **Cost saving options**
 - raising age eligibility
 - limiting SmartPass use to off-peak travel
 - limiting SmartPass use to bus travel
 - application, renewal, and replacement fees
 - **Promoting social inclusion**
 - free travel for disabled people currently entitled to a half fare concession
 - companion passes for disabled people
 - widening qualifying criteria for a half fare SmartPass to include more disabled people
 - free transport for asylum seekers and victims of human trafficking
 - changes to the residence test
 - extending list of documentation used to prove residency

It would also be helpful to include consideration of the broader policy context, in terms of, for example, the inter-relationship of the aims of the concessionary fare Scheme with other relevant Departmental policies. This might include the Accessible Transport Strategy, Regional Strategic Transport Network Transport Plan and policies relating to community transport / rural transport in terms of their contribution to promoting accessible public transport for people most at risk of social exclusion. We would recommend this broader context is included in the final stage 6 EQIA report.

In addition, Paragraph 4.6 of the EQIA states '*A long list of options was developed and from that, a number of proposals are being put forward for public consultation.*' The Commission would recommend that to increase transparency, the EQIA should include information in relation to the other policy options considered, including options in relation to younger people aged 16-23 and the Department's rationale for why they were not included for consideration, in this consultation.

It is also noted that the consultation document states: '*Based on the current budget situation, it is likely that the Department will not be able to make changes that will increase the costs of the Scheme this financial year. However, we may be able to do so in the future and so we are consulting on a wide range of proposals now.*'⁵¹ Therefore, the Department is indicating that implementation of some of the proposals that would better promote equality of opportunity and good relations will be dependent on the Department's budgetary position. The final Stage 6 report should be clear about which of the proposals the Department will take forward now. We note that not all proposals require budget and that some of the options to better align the Scheme with the policy aim, would appear to have relatively little or no cost.

Consideration of available data and research

The EQIA includes a wide range of relevant quantitative and qualitative data and details of focus groups held with some of those impacted by the proposals.

We also note that the Department has sought to obtain further evidence of the likely impacts of its policy proposals by asking individuals responding to the consultation to complete a Section 75 monitoring questionnaire.

⁵¹ DfI Consultation on free and discounted fares on public transport (Concessionary fares), Paragraph 1.27

Key findings from the data review are not set out in the 'data and research' section of the EQIA. They are however drawn out in the 'assessment of impacts' section, with references to the data sources in the footnotes.

Further evidence/data is contained in the policy section of this response. This, along with any other relevant data received from consultation responses and the Department's analysis of consultees' monitoring questionnaires, should be set out and considered in the Department's final stage 6 EQIA report. The Department should also outline how additional data and evidence, obtained through the consultation process, has helped to inform its final decision-making.

Assessment of Impacts

The Department has considered the policy proposals in terms of both 'adverse impacts' and 'opportunities to better promote equality and good relations.'

It has identified that some of its cost saving proposals may have an adverse impact on some Section 75 categories:

- Raising age eligibility - (older people in affected age group i.e., aged 60-64/64+ older people with a disability (who do not qualify for a disabled persons pass) and people with dependents).
- Limiting use to off peak travel - (older people, disabled people, people with dependents)
- Bus travel only - (older people, disabled people, people with dependents)

It has also identified that the following policy proposals aimed at better aligning the Scheme with the policy aim of supporting those most at risk of social exclusion, are likely to have a positive impact on some S75 categories:

- Free travel for those currently receiving half fare concessionary travel due to a qualifying disability (disabled people)
- Companion passes (disabled people, older people, people with dependents)
- Widening eligibility for access to half fare concessionary travel to more disabled people in line with other jurisdictions (disabled people)
- Free transport for destitute asylum seekers / victims of human trafficking (race in relation to both equality and good relations)

- Changes to residence test (minor positive impact in relation to race, age, and disability e.g., older and/or disabled asylum seekers)
- Changes to proof of residency (race, age, disability e.g., will make it easier for Irish Travellers, Asylum seekers and homeless people to access the SmartPass Scheme)

The policy proposal relating to charging a small administrative fee for SmartPass applications, renewals and replacements has been assessed as having a neutral / very low impact on age and disability, indicating the fee will be set at a low level (around £5) and is not a regular ongoing cost.

The Department has also considered the potential impact of the cost saving proposals on people with multiple identities including a potential adverse impact on 'older women'. However, the Department's overall determination in relation to older women is unclear. The EQIA references evidence which would indicate a greater impact on women in the age 60-64 group. There is also reference to an impact on older women in the summary of impacts in paragraph 6.2. However, there is no reference to any impacts on women in Paragraphs 1.7 – 1.16 in the 'executive summary - summary of identified equality impacts'. This requires further clarification.

The assessment of impacts appears coherent based on the evidence presented. However, the Department may need to update its assessment of impacts in its stage 6 EQIA report, once it has considered any further evidence and data received during the consultation stage.

Consideration of mitigation measures / alternative policies

The Department has identified some mitigating measures / alternative policies in the EQIA and indicates that further measures may be identified through engagement with stakeholders during the consultation process. The Department should keep an **open mind** in relation to any alternative policies or mitigations proposed by stakeholders.

The only 'Alternative policy' proposal included is not to make any changes to age eligibility, which the Department indicates is not financially sustainable.

'Mitigating actions' proposed to address adverse impacts are:

- Proposal regarding peak time travel – that this restriction should not apply to people with disabilities.

- Applying the new age eligibility criteria to new applicants only or
- Introducing the new age criteria gradually.

The first mitigation above, positively proposes mitigation in relation to adverse impacts on disabled people. The remaining mitigations appear to phase in the cost saving proposals for everyone and do not appear to address the other potential adverse impacts that the Department has identified.

The Commission recommends that the Department gives further consideration to mitigations for the equality impacts that it has identified and sets this out in the final Stage 6 report.

For example:

- The Department assessed adverse impacts of the proposals on people with dependants (which could be grandparents without cars, who are carers for grandchildren). However, there does not appear to be consideration of mitigations to reduce or eliminate this potential adverse impact.
- The Department identifies a potential adverse impact on some disabled people and older people for whom bus travel is inaccessible, however there does not appear to have been consideration given to mitigations, for example to extend train travel to address these adverse impacts.

Although consideration has been given to the impacts of the policy proposals on *multiple identities such as older women*, the conclusions, as noted above, are unclear and there is no consideration of mitigations / alternative policies in relation to potential adverse impacts identified. For example, the EQIA states that older women, in comparison to older men, have less to spend on public transport, are less likely to be in employment, are less likely to hold a driving licence and are therefore more likely to rely on public transport.

The Department should consider mitigations in relation to ‘adverse impacts’ it has identified, for example consideration to targeting the Scheme to those who are most deprived / experiencing poverty (multiple Section 75 identities can exacerbate inequalities) using evidence of receipt of certain benefits.

The Commission also notes that some of the policy options to better promote equality and good relations are likely to incur increased costs. As noted in the Commission’s response to the Departments EQIA on

Spending Plans 2023 - 2024, the Department should ensure that consideration has been given to the potential to *redistribute internal budgets*, to alleviate some key societal inequalities.

We note that the Department also identifies, as per the requirements of the Disability Discrimination Act 1995, the need to ensure effective communication with service users in relation to any changes to the Scheme such as advertising changes in a range of formats and languages and ensuring the SmartPass application process is accessible to those who are eligible.

Consultation

The Department is conducting a 12-week consultation on its review of the Concessionary Fares Scheme EQIA, in line with its equality scheme commitments. The Commission welcomes that measures appear to have been taken to make the consultation process accessible and to engage stakeholders including:

- the provision of Easy read documentation and consultation questionnaire,
- subtitled sign language (BSL and ISL) videos with other alternative formats available on request,
- provision of a key points briefing on the policy options under consideration and
- an Executive summary included in the EQIA.

We also note that the Department has engaged with stakeholders and representative groups pre-consultation including with organisations representing older people and women and has organised focus groups facilitated by IMTAC for disabled people.

Decision-making and Publication of Stage 6 report

The Commission notes that the Department states in the consultation documents that the final Stage 6 EQIA report and the Department's final decision on the proposals will be published on the DfI website. Enclosed is some advice on drafting Stage 6 EQIA reports (collated from other Commission Guidance), which you may find helpful. This advice sets out that these reports should include an Executive Summary which clarifies how consultation responses and equality impact information has been '*taken into account*' in any final decisions.

Monitoring

DfI commits to monitoring and keeping under review the actual impact of the revised policy on Section 75 groups, but does not set out **how** it proposes to monitor the impact. The Department's **arrangements** for Section 75 monitoring should be included in the Department's final stage 6 EQIA report.