

## **Child Rights and Wellbeing Impact Assessment (CRWIA) Concessionary Bus Travel for People Under Age 19**

### **CRWIA Stage 1 Screening - key questions**

#### **1. Name the policy, and describe its overall aims.**

Concessionary Bus Travel for People Under Age 19.

The Scottish Government intends to introduce a national scheme to provide free bus travel to all residents in Scotland aged under 19 (“the scheme”).

The scheme is expected to benefit 770,000 young people across Scotland and deliver the following objectives

- Opening up social, education, employment and leisure opportunities.
- Reduce household outgoings to aid children, particularly those living in poverty.
- Embedding positive sustainable travel behaviours.

The delivery of these benefits demonstrates alignment with the Scottish Government’s National Transport Strategy (NTS). Published in February 2020, the NTS seeks to reduce inequalities and advance equality of opportunity and outcome, take climate action to make travel choices that minimise the long-term impacts on our climate, develop a transport system that will help deliver sustainable and inclusive economic growth and which will be safe and enable a healthy, active and fit nation.

The scheme also aligns with the Climate Change Plan Update which has identified the need to reduce private car vehicle miles travelled by 20 percent.

The objectives of the scheme will be achieved in the following ways

- Opening up social, education, employment and leisure opportunities. Most people aged under 19 are in full time education, working or in training and need transport to travel to their school, college or place of work.
- Reduce household outgoings to aid children, particularly those living in poverty. People from lower income households are more likely to take the bus with research indicating that 44% of people with an income of less than £10,000 travel by bus once a week or more compared to 16% of those with an income over £40,000.
- Embedding positive sustainable travel behaviours. Early estimates are that the scheme will enable approximately 770,000 people to access free bus travel. While the impact of the scheme on patronage and modal shift is uncertain and will be influenced by COVID, evidence from a similar scheme in London suggests that making bus travel free for young people could result in an increase of around 10% in the number of bus journeys made by those aged 18 and under. Therefore the scheme has the potential to support a long term shift to more sustainable travel by embedding the use of lower emission and lower carbon public transport in behaviours from an early age, which can contribute to tackling the climate emergency.

Provision of free bus transport for around 770,000 young people across Scotland can encourage families to use cars less for the school run and transport to leisure

activities. This would be replaced with the use of low-emission and lower carbon public transport, contributing towards tackling the climate emergency.

The right for certain disabled people to have a companion travel with them for free will be extended to disabled children under 5 who meet the same criteria as currently apply to older disabled people. The eligibility criteria for people with sight impairments, and for travel companions of such people, are changed to reflect the different means of confirming the impairment.

## **2. What aspects of the policy/measure will affect children and young people up to the age of 18?**

There are approximately 770,000 people under 19 resident in Scotland who would become eligible for free bus travel.

Children under five generally already enjoy free bus travel as a widespread commercial practice across the bus industry. The legislation establishing the new scheme will apply to children aged between 5 and 18, who currently pay fares.

Currently, under the non-statutory National Concessionary Travel Scheme for Young People young people aged 16 to 18 (and full time volunteers between 19 and 25) travelling by bus receive a one-third discount on the adult single fare on presentation of a valid Young Scot card. (Children between 5 and 15 typically pay child fares, which are significantly lower than adult fares would be for the same journeys). The policy would increase the discount – to 100% – and make it available to all children and young people between 5 and 18 who are resident in Scotland, enabling them to travel by bus in Scotland at no cost to themselves.

## **3. What likely impact – direct or indirect – will the policy/measure have on children and young people?**

By providing free bus travel to persons aged under 19, we are seeking to encourage Scotland's younger generations to use low-emission and lower carbon public transport with a view to embedding that behaviour from a young age, to tackling the climate emergency and to improving air quality in towns and cities by reducing the number of car journeys. In addition to the core transport and environmental aims, potential effects of the scheme are the promotion of social inclusion (by improving access to education, healthcare, training and employment etc.) and reduction in child poverty. Most people aged under 19 are in full time education, working or in training and need transport to travel to their school, college or work opportunities. Providing free bus travel widens opportunities for this group and will have a particular impact on people from lower income households, who are more likely to take the bus. According to the Poverty and Inequality Commission's report *Transport and Poverty in Scotland*, 44% of people with an income of less than £10,000 travel by bus once a week or more compared to 16% of those with an income over £40,000.

**4. Which groups of children and young people will be affected?**

All children who are resident in Scotland will be able to access free bus travel between the ages of 5 and 18 inclusive.

Currently, children aged 5 and over who have certain disabilities are eligible for free bus travel and those who are in receipt of particular disability benefits or are severely sight impaired additionally qualify for a companion to travel with them free of charge. This policy will extend the right to have a companion travel for free to disabled children under 5 who meet the same criteria as apply from age 5.

**5. Will this require a CRWIA?**

Explain your reasons.

Yes. This policy change will directly impact children and young people.

**CRWIA Declaration**

CRWIA required	CRWIA not required
X	

**Authorisation**

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## CRWIA Stage 2

### The CRWIA – key questions

#### 1. Which UNCRC Articles are relevant to the policy/measure?

Article 2 (non-discrimination)  
Article 3 (best interests of the child)  
Article 4 (implementation of the Convention)  
Article 5 (parental guidance and a child's evolving capacities)  
Article 12 (respect for the views of the child)  
Article 15 (freedom of association)  
Article 16 (right to privacy)  
Article 18 (parental responsibilities and state assistance)  
Article 19 (protection from violence, abuse and neglect)  
Article 23 (children with a disability)  
Article 24 (health and health services)  
Article 28 (right to education)  
Article 31 (leisure, play and culture)  
Article 33 (drug abuse)  
Article 34 (sexual exploitation)  
Article 35 (abduction, sale and trafficking)  
Article 36 (other forms of exploitation)  
Article 40 (juvenile justice)

**Article 2 (Non-discrimination)** - Children should not be discriminated against in the enjoyment of their rights. No child should be discriminated against because of the situation or status of their parent/carer(s).

**Article 3 - Best interests of the child** - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

**Article 4 - Protection of rights** - Governments should undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the UNCRC. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of the available resources.

**Article 5 - Parental guidance and a child's evolving capacities** - Governments must respect the rights, responsibilities and duties of parents and carers, as well as members of the extended family, to direct and guide the child in the exercise of their rights.

**Article 12 - Respect for the views of the child** - Every child has a right to express their views and have them given due weight in accordance with their age and maturity. Children should be provided with the opportunity to be heard, either directly or through a representative or appropriate body.

**Article 15 - Freedom of association** - Every child has the right to freedom of assembly: to meet with other children, and to join groups and organisations, as long as it does not stop others from enjoying their rights.

**Article 16 - Right to privacy** - Every child has a right to privacy. The law should protect the child's private, home and family life, and correspondence.

**Article 18 - Parental responsibilities and state assistance** - Parents, or legal guardians, have the primary responsibility for the upbringing and development of the child, and should always consider what is best for the child. Governments must provide appropriate assistance to parents and carers to help them.

Governments must take all appropriate measures to ensure the children of working parents have the right to benefit from childcare services and facilities.

**Article 19 - Protection from all forms of violence** - Children have a right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation. Governments must do all that they can to ensure this

**Article 23 - Children with disabilities** - A disabled child has the right to enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. Governments must recognise the right of the disabled child to special care, and ensure the disabled child has effective access to education, training, health care, rehabilitation, preparation for employment, and recreational opportunities.

**Article 24 - Health and health services** - Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy.

**Article 28 - Right to education** - Every child has a right to education on the basis of equal opportunity. Primary education must be free. Secondary education must be available to every child, with financial assistance available in case of need. Information and guidance on education should be available to all. Governments should take measures to encourage regular attendance and reduce drop-out rates. School discipline should be administered in a manner consistent with the child's human dignity. Every child has the right to an education. Discipline in schools must respect children's dignity.

**Article 31 - Leisure, play and culture** - Every child has a right to rest and leisure, to engage in play and recreational activities, and to take part in a range of cultural and artistic activities.

**Article 33 - Drug abuse** - Governments must protect children from the use of drugs, and from involvement in the illicit production and trafficking of drugs.

**Article 34 - Sexual exploitation** - Governments must protect children from all forms of sexual exploitation and abuse.

**Article 35 - Abduction, sale and trafficking** - Governments must take all possible measures to make sure children are not abducted, sold or trafficked.

**Article 36 - Other forms of exploitation** - Governments must protect children from all forms of exploitation or maltreatment.

**Article 40 - Juvenile justice** - Governments must establish a minimum age of criminal responsibility. Wherever appropriate and desirable, measures for dealing with children without resorting to judicial proceedings should be used (providing that human rights are fully respected). A child accused or convicted of breaking the law must be treated with dignity and respect, in a manner which takes into account the aim of promoting the child's reintegration into society. They have the right to legal assistance and a fair trial that takes account of their age or situation.

Governments must ensure that the child's privacy is fully respected at all times.

## **2. What impact will the policy/measure will have on children's rights?**

### **Article 2 (non-discrimination)**

- Positive

Free bus travel will be available to every child and young person between 5 and 18 inclusive who is resident in Scotland, without regard to the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. (Below the age of 5, travel is generally free already.) The application process will be administered by local authorities. Local authorities will update the existing application process, across the various application channels (including bulk school applications where local authorities offer this). The existing concessionary scheme requires proof of address such as a bank statement or bill and proof of eligibility (such as age or disability). To reduce the barrier that this requirement may pose to some children and young people, we are considering how children and young people will be able to demonstrate their age and residency in Scotland in an easily accessible manner. Asylum-seekers and refugees resident in Scotland will be eligible for the concession and we will consider how the application design can be made inclusive to families who speak another language.

### **Article 3 (best interests of the child)**

- Positive

This policy has been developed to support the best interests of children and young people. Significant consideration has been given to the child protection elements of the scheme and the risks that removing the cost of nationwide travel could pose to children. A public consultation sought the views of children, parents/guardians, and the children's sector including third sector and education bodies, to ensure that the policy is striking the right balance between reducing barriers for children to access the concessionary travel scheme and the rights and duties of parents/guardians to have knowledge and some degree of control over their children's travel. We have taken legislative measures to allow the concession to be withdrawn at Minister's discretion, for example when a risk to a child has been identified, and will implement administrative measures such as requiring parent/guardian approval for applications in respect of children age 15 and under.

### **Article 4 (implementation of the Convention)**

- Positive

This CRWIA has been undertaken to demonstrate that implementation of this policy respects and furthers the rights protected under the UNCRC, including discussion of specific articles, and outlines how we have sought the views of children, parents and guardians, and the children's sector including third sector and education.

### **Article 5 (parental guidance and a child's evolving capacities)**

- Neutral

There is a balance to be struck between the provision of access to travel and parents' and guardians' responsibility and ability to ensure that their child is safe and well. We intend to seek parent/guardian approval for the travel product for

children up to the 16<sup>th</sup> birthday. Parents/guardians of children under this age generally provide the fare for travel to their children, so we consider that this approach maintains the current role of parents/guardians while benefitting families. The potential impacts of this approach and the perspectives which informed it (including consultation responses) are discussed under question 4 of this CRWIA and we intend to review this question after an initial implementation period.

#### **Article 12 (respect for the views of the child)**

- Positive

We have taken children's views of this policy into account through public consultation and engagement with the Scottish Youth Parliament, the Children's Parliament, and third sector organisations who work with and support children.

#### **Article 15 (1) (freedom of association)**

- Positive

This policy will support children's rights to associate and to assembly by removing a potential barrier: the cost of travel. The cost of travel may be an increased burden to children and young people, who do not generally have an independent source of income. It may also facilitate developing and maintaining relationships with grandparents and other extended family members, as well as with positive peer influences.

#### **Article 16 (right to privacy)**

- Neutral

This policy will comply with domestic Data Protection Legislation and the General Data Protection Regulation (GDPR). A data sharing agreement will be in place with Police Scotland and British Transport Police for the limited situations when the child's use of concessionary travel needs to be traced, for example for their own protection in the case of a missing child or when a serious crime has occurred. Further information on privacy and data protection is included in the policy's Data Protection Impact Assessment (DPIA).

#### **Article 18 (parental responsibilities and state assistance)**

- Positive

This policy supports families by removing a pressure on the household budget, enabling families to spend that money on other necessities. Consultation responses highlighted the cost pressures of transport on family budgets, especially in low-income or single-parent households, or in families with multiple children. There is a balance to be struck between the government providing access to travel and parents' and guardians' responsibility and ability to ensure that their child is safe and well as outlined under Article 5.

#### **Article 19 (protection from violence, abuse and neglect)**

- Neutral

This policy could support children who are experiencing violence, abuse or neglect by providing them with the means to easily escape from a difficult home environment to benefit from social, sporting or other activities (and perhaps in some cases to seek help/support from a trusted adult and build their resilience to

deal with their childhood adversities). This view was supported by consultation responses.

The policy could also make children more vulnerable to abuse and neglect. Parents and guardians who are concerned about their child can, to some degree, limit their child's access to dangerous people and areas by refusing to provide money to travel. This possibility has been identified by child protection colleagues as especially risky for children who have been removed from their family's care for their own safety, who may seek to leave their care placement.

To mitigate this risk, we plan to seek approval from the parent or guardian for the travel concession up to the 16th birthday. This to some extent reduces the potential positive impact of allowing children to easily escape from a difficult home environment. For example, some children dealing with adverse childhood experiences (ACEs) could be denied the travel card whether inadvertently (if a parent/guardian failed to apply due to the impact of their own issues such as poor mental health or harmful substance or alcohol use) or maliciously (perhaps in an abuse or coercive control situation). We do not consider this to be a material change in the existing situation for these children, since abusive or neglectful parents/guardians could withhold bus fare from children currently, but it could exacerbate inequalities if some children have access to free bus travel and others do not. As this is a finely balanced decision, we intend to review the requirement for parent/guardian approval after the first full year of operation.

#### **Article 23 (children with a disability)**

- Positive

The existing concessionary scheme provides a concessionary travel card to people age 5 and over who have certain disabilities. Those who are in receipt of particular disability benefits or are severely sight impaired qualify for a companion card which allows a companion to travel with them free of charge. Children under the age of 5 have not been eligible for the existing scheme because it is industry practice to allow children under 5 to travel for free. However this means that, unlike disabled people of other ages, disabled people under age 5 cannot access the companion card and cannot therefore have a companion who travels for free. We are addressing this discrepancy by extending the disabled concessionary card to people under age 5, which will have positive impact on these children's right to support and active participation in the community.

Under the current concessionary scheme which provides free bus travel for disabled children over age 5, children under age 12 require parent/legal guardian approval. To ensure consistency, this age will be raised so that all children aged 15 and below will require parent/legal guardian approval in future.

#### **Article 24 (health and health care)**

- Positive

The overall policy aim of the scheme is to encourage Scotland's younger generations to use low-emission and lower carbon public transport with a view to embedding that behaviour from a young age, to tackle the climate emergency and to improve air quality in towns and cities by reducing the number of car journeys. The environmental benefits and impact on children's health was frequently mentioned by respondents to the public consultation, who expect the scheme to



encourage less reliance on private cars and encourage walking/cycling as part of young people's journeys. For example, one respondent noted that the scheme "will also have a positive impact in promoting longer term use of public transport helping to reduce car use, reduce congestion, improve air quality and improve the quality of the places people live."

### **Article 28 (right to education)**

- Positive

Local authorities are required to provide free transport to school if the child lives more than a certain distance from school (more than two miles for children under 8, or more than three miles for children 8 and older) or if walking to school is unsafe. Some local authorities provide more generous school transport. This requirement exists for primary and secondary schools, and colleges generally provide free bus travel to students under 18. By providing free bus travel to all children under the age of 19, we are removing the barrier for children who may live close to school but live in more rural or less built-up areas and would be walking in the dark, or children who attend further education or training for which free transport is not required to be provided. Free bus travel also extends opportunities to attend educational activities which are not school but support the child's educational attainment.

### **Article 31 (leisure, play and culture)**

- Positive

By providing access to free bus travel without geographic or travel time restrictions, this policy allows children to access services, sports, and cultural activities such as museums, parks, galleries, sports venues, and other essential community services. Many of consultation responses with this view were made largely in relation to improved family access (i.e. that removing fees for children would make whole family recreational experiences/days out more affordable, meaning that only parents/carers would need to pay, where appropriate). The scheme would also help grandparents who qualify for the over 60 bus pass to take their grandchildren on buses while their parents are working, etc. In London, young people receiving free travel noted that they would be much less likely to attend activities or museums without their free travel card. Many activities or cultural institutions such as museums may be free of charge or reduced admission for young people. This policy further reduces inequalities of access by removing or reducing the cost of travelling to the activity.

### **Articles 33 (drug abuse), 34 (sexual exploitation), 35 (abduction, sale and trafficking), 36 (other forms of exploitation)**

- Neutral

Similarly to the concerns outlined around Article 19, this policy could have both positive and negative impacts on children's right to be protected from illicit drug abuse. While free travel enables children to physically leave a dangerous situation, it also allows free access to risky situations. Police Scotland and Scottish Government officials have indicated some concern that this policy could increase the risk of children being exploited by criminal gangs to traffic drugs. While we do not anticipate that the cost of bus travel is a significant factor preventing children

from being exploited in this way, it is worth bearing this unlikely but potentially serious risk in mind.

Colleagues have also identified that this policy could make children who fall victim to online and technology-assisted abuse, exploitation and coercion more vulnerable to contact abuse. It should be noted, that the same case could be made in relation to other enablers which could potentially increase children's vulnerability to abuse, such as children's general access to mobile phones, the internet and 'known adults' (abusers who are known to the child). Therefore, concessionary bus travel does not necessarily in and of itself pose a significantly increased risk to children's vulnerability and should not be seen as such in isolation.

To mitigate this, parent/guardian approval for the travel card will be sought up to age 16, as outlined under Article 19. We will also work with bus operators to incorporate awareness of child protection risks into driver training. Third sector charities have existing resources which could inform the content of this training.

#### **Article 40 (juvenile justice)**

- Neutral

While we do not anticipate this policy to have a major impact on children's rights around juvenile justice, there will be a process in place to address cases of suspected fraud. Children might not, for example, consider lending the travel pass to friends to be fraudulent. The fact that cards, at least for older children, will carry photographs of the holder should help to reinforce that the card is only to be used by the named holder.

### **3. Will there be different impacts on different groups of children and young people?**

Overall, the evidence suggests that this policy will support children and young people to exercise their rights and improve their wellbeing. Out of 3,074 respondents to our public consultation, 91% felt that extending free bus travel to people under 19 would contribute towards our objectives to increase opportunities and reduce inequalities.

There may be different impacts on different groups of children and young people. Some of these are explored further in the EQIA and Fairer Scotland duty assessment.

#### Children living in areas with less bus services

We know that some areas of Scotland are better served by buses than others. Children and young people living in less well served areas may have more difficulty taking advantage of the free bus concession than people living in areas with more frequent bus services. On the other hand, in such areas where buses are taken they can be more expensive, especially where a journey involves more than one stage. Free bus travel could be especially valuable in these instances by removing the higher costs that children and young people would face. However, if the bus service simply isn't available when and where it is needed, this concession would not be of much value. This is explored in more detail in the Fairer Scotland Duty assessment.

### Looked-after children

Free bus travel may be especially positive for looked-after children, helping maintain contact with family and friends. However some groups of children are more vulnerable to various risks, and for a small number of children and young people, free bus travel could increase the risks to their rights and wellbeing. This may be especially true for looked-after children, who make up a disproportionately high number of children who go missing in Scotland.

### Missing Children, Abuse, Exploitation and Coercion

Abuse, exploitation and coercion which starts online may lead to increased risk of contact abuse, which is why it is important to consider these impacts in relation to free bus travel for people under age 19. The number of referrals to the National Crime Agency relating to online child sexual exploitation and abuse has increased by 700% in the last four years.<sup>1</sup> In a one-year period from April 2019 to February 2020, there have been almost 1,700 crimes recorded where an individual has communicated with a child for sexual purposes.<sup>2</sup> It should be noted, however, that accurate data on the scale, nature and prevalence of child sexual abuse remain challenging.

A number of consultation respondents noted that free bus travel could increase the risk of children running away without thinking through where they are going or their safety, although some respondents did note that if people did run away doing so by bus using an NEC might be safer given the ability to trace journeys through the use of the NEC if safety concerns are raised.

While it is difficult to assess the degree to which removing the cost of travel may increase these risks, it is important that we are aware and monitoring these risks, especially for vulnerable children. We have considered measures to mitigate these risks, including parent/legal guardian approval and driver awareness training, which are discussed in more detail under Question 4.

### Protected Characteristics

Responses to the public consultation noted that the application form, details printed on the NEC, and the photo required for bus travel should be gender neutral and easy to update in order to avoid harm to transgender young people. This is considered further in this policy's Equality Impact Assessment (EQIA).

Responses to the public consultation also noted that minority ethnic young people may be more likely to be challenged on their right to free bus travel compared to people from white ethnic backgrounds, as young ethnic minority people may be perceived as older than their age. The Young Scot-branded NEC also serves as proof of age and should address this issue.

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<sup>1</sup> UKGov 2018 SOC Strategy & National Crime Agency National Strategic Assessment of Serious Organised Crime: <https://www.nationalcrimeagency.gov.uk/who-we-are/publications/173-national-strategic-assessment-of-serious-and-organised-crime-2018/file>

<sup>2</sup> Police Scotland) <https://theedinburghreporter.co.uk/2019/03/police-launch-stopitnow-campaign/>

**4. If a negative impact is assessed for any area of rights or any group of children and young people, what options have you considered to modify the proposal, or mitigate the impact?**

Child Safety: Parent/Guardian Approval

We have identified the possibility that for a small number of children free bus travel may increase serious threats to safety and wellbeing, including running away, sexual or criminal exploitation. Public authorities have a duty to respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up under Article 5 of the UNCRC. This has to be balanced with respect for children's rights as their capacities evolve.

To ensure that the free travel product is easily available to those entitled to it, the free travel entitlement will be placed on Young-Scot branded NEC cards for older children. Once children are aged 12 and over, they do not need parent/guardian approval to access these cards. This gives rise to a child welfare concern, that parents/guardians may not be aware that their child has access to unlimited nation-wide free bus travel and may be unable to withhold travel if they choose unless they remove the physical card from the child (which is problematic as cards often have other non-travel products on them, for example for school meals or libraries). This removes decision-making from parents/guardians and could pose risks to the child's welfare if their parent/guardian was not aware that the Scottish Government had provided the concession to their child.

During the evidence-gathering stage (outlined in greater detail under Questions 7-9), we heard a range of ages suggested for when it might be reasonable to accept that children had the capacity to assume responsibility for their own travel. We also heard that children mature at different rates, making it even more difficult to establish a single age.

As part of the public consultation, we asked whether children under a certain age should need to have their application for a travel card approved by a parent or guardian: just under two-thirds of respondents felt that was appropriate. The main reasons for supporting parental approval include maintaining parental responsibility in general and specifically for children's safety and wellbeing, including ensuring parents are aware of the travel and have the opportunity to manage and discuss their child's travel with them. The main reasons for opposing parental approval were that this could disadvantage vulnerable and disadvantaged children, including those in chaotic households or in care, or whose parents were too strict/controlling.

With the evidence available to us, it seems prudent to require parent/guardian approval for the travel concession up to the 16th birthday, which is an age when children gain many rights as adults, including the right to leave home, get married, or end their compulsory education. Parent/guardian approval will allow parents/guardians to make decisions on the availability and use of the free travel available to their child. It helps reinforce that managing the child's travel remains the responsibility of the parent/guardian, not the provider of the concessionary product. Children aged 15 and under applying for Young Scot cards in future would be issued with cards which either did or did not include free bus depending on their parent/guardian's choice.

However, this raises challenges for children age 12-15 who already hold a Young Scot-branded NEC, and therefore would be able to access travel with their existing card unless additional steps are taken. To provide parents/guardians of existing cardholders similar rights over their children's travel as parents/guardians of new cardholders, we will set up a system to allow parents/guardians to remove the travel product from their child's Young Scot-branded NEC. There would still be a risk that parents/guardians do not realise their child has access to free bus travel, but we feel that this could be mitigated with a successful communications campaign, striking a balance between awareness of the potential risks of harmful use and the benefits which the scheme is expected to bring. Scottish Government colleagues have advised using existing avenues such as health boards, local authorities, school email lists, social media sites, parent councils, and attendance officers in addition to traditional media communications to ensure that the information has reached parents or guardians of particularly vulnerable young people.

As this is a finely balanced decision, we intend to review the requirement for parent/guardian approval after the first full year of operation.

#### Child Safety: Bus Driver Awareness Training

We heard from stakeholders, Scottish Government colleagues, and consultation respondents that there was a need for some driver awareness training as this scheme is implemented. We will work with the Confederation of Passenger Transport (CPT) to develop resources for drivers, including identifying behaviour which could indicate a vulnerable or at-risk child or young person, understanding how free bus for people under 19 differs from existing concessionary programs (for example, the need to allow young people to retain their Young Scot branded NEC even if the travel product does not work because of the other functions which it serves), and supporting and encouraging young bus users who may be new to riding the bus. Stakeholders such as third-sector children's charities have existing resources which could inform the content of this training, and pilot programmes in Falkirk and Renfrewshire have also worked closely with their local bus companies.

#### Child Safety: Data Sharing Agreement with Police Scotland / British Transport Police

Several stakeholders and consultation responses made an assumption that use of the NEC could be easily traced, which could be an important tool in cases of missing children. Several respondents emphasised that it was important for children's data and privacy to be protected, while a few respondents felt that parents should be able to access their child's journey history.

Transport Scotland does not have access to the personal information linked to the NEC in order to protect people's data and privacy. Personal information about card holders is held by an external organisation (the National Entitlement Card Programme Office (NECPO), Local Authorities and Strathclyde Partnership for Transport (SPT), which does not have information on cardholder's usage or travel. In very limited circumstances, Transport Scotland and NECPO data is linked to include an individual's personal data and card usage, for example following a request from Police Scotland or the British Transport Police (BTP) under the relevant data sharing agreements. These processes and the data sharing agreements already exist for the disabled/60+ concessionary scheme and are

used in limited circumstances such as when a serious crime has been committed or in the case of a high risk missing person. This ability to trace card usage could add a layer of protection for children using their free bus travel if a child was classed as a high risk missing person by Police Scotland or BTP. However, tracing is far from instantaneous: it can take up to 24 hours or longer in some cases for card usage data to be sent to Transport Scotland and the tracing service is not available out-of-hours.

### Application Process

The consultation and stakeholder conversations highlighted that for some children, the application process could act as a barrier to children accessing the free bus travel. A person's age in itself will not entitle them to free travel on the bus: a person's age will entitle them to apply for a National Entitlement Card (NEC), which will provide them with a 100 percent discount on the bus fare. This distinction makes it important for families to understand that they need to make the application in order to access the entitlement. A number of consultation respondents felt that the application and parental/guardian approval process may create barriers for different groups of people, including those in care, as they may find it difficult to access the information, documentation or approvals required; those for whom English is not their first language; immigrant and refugee families; those with disabilities who cannot access the online application; and those without IT access more generally.

### Looked-After Children: Parent/Guardian Approval

Scottish Government colleagues have advised that a practice note may be advisable to ensure local authorities understand the intent of the scheme, with advice to assess approval for the travel card on an individual basis, including through discussion with the child, their social worker, and other responsible parties. Any decision not to approve the travel product should be regularly reviewed. This practice note would help mitigate the risk of variation on ability to access the card by local authorities. The practice note may need to include special consideration for unaccompanied asylum-seeking children.

### Health and safety

Young people in London and consultation respondents indicated that free bus travel would have a positive impact on their safety, since they would not have to walk through streets at night.<sup>3</sup> Researchers in London found a correlation between the introduction of free travel for young people and a reduction in the number of road injuries sustained by young people.<sup>4</sup>

Many consultation respondents suggested that providing free travel to young people helps establish active transport habits and drives longer-term modal shift. This could have positive health impacts in the future by improving air quality and positive environmental impacts.

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<sup>3</sup> "Free transport means everything to me": Understanding the impact of the suspension of free travel on under-18s – Partnership for Young London, June 2020  
[https://trustforlondon.fra1.digitaloceanspaces.com/media/documents/Free\\_transport\\_means\\_everything\\_to\\_me\\_report.pdf](https://trustforlondon.fra1.digitaloceanspaces.com/media/documents/Free_transport_means_everything_to_me_report.pdf)

<sup>4</sup> Health impacts of free bus travel for young people: Evaluation of a natural experiment in London. Article in Journal of epidemiology and community health · June 2013

Consultation respondents were divided on the impact free bus could have on children's physical health in the immediate term. Some respondents felt that free bus travel would encourage children to walk more to reach buses and be more active which in turn would be better for health outcomes including tackling obesity and improving mental health outcomes, while others felt that free bus travel would cause children to take the bus for short distances rather than walk or cycle, counter to the Scottish Government's wider health and wellbeing aspirations. Evidence from London suggests that children may choose to use the bus instead of walking short distances, which could be detrimental to their physical activity and health, but that overall there was little reduction in levels of active travel.<sup>5</sup>

Overall, Transport Scotland considers bus usage to support active travel. Taking the bus compared to a private vehicle increases physical activity since riders walk from the bus stop to their destination. This is supported by evidence suggesting that increased bus use can improve health through more active travel compared to private transport.<sup>6</sup> Another study tracked commuters travelling the same journey in a car or bus, and found that those who took the bus averaged 1.3km per day walking, 2.5 times those who drove.<sup>7</sup>

#### Other Suggested Protection Measures

The consultation and conversation with stakeholders identified a number of further suggestions to protect children's safety on the bus. These include geographic restrictions, a limit on the number of journeys per day, or a requirement that children under a certain age be accompanied by someone older.

Transport Scotland did not proceed with these options because of concerns that they ran counter to the intent of the scheme. For example, geographic restrictions could mean that a child could not travel out of their local area to seek opportunities or see family; a limit on the number of journeys per day could cause a child to be stranded far from home without any journeys left on their bus pass, especially likely if they needed to take multiple buses to reach their destination. As discussed earlier, children mature at different rates and establishing a single age of competency for children to travel unaccompanied would be inappropriate. Seeking parent/guardian approval for the NEC allows parents/guardians to decide at what age and under what circumstances their child may travel.

### **5. How will the policy/measure contribute to the wellbeing of children and young people in Scotland?**

#### **Safe**

- *Protected from abuse, neglect and harm by others at home, at school and in the community*

<sup>5</sup> Health impacts of free bus travel for young people: Evaluation of a natural experiment in London. Article in Journal of epidemiology and community health · June 2013

<sup>6</sup> Adam Martin, Yevgeniy Goryakin, Marc Suhrcke. 2014. "Does active commuting improve psychological wellbeing? Longitudinal evidence from eighteen waves of the British Household Panel Survey." Preventive Medicine 296-303. <https://www.sciencedirect.com/science/article/pii/S0091743514003144>.

<sup>7</sup> Journeys, Greener. 2011. Greener Journeys. Accessed Oct 21, 2019. <https://greenerjourneys.com/news/why-taking-the-bus-is-good-for-your-health/>.

As outlined in further detail under Articles 19 and 33, this policy could support children who are experiencing violence, abuse or neglect by providing them with the means to easily escape from a difficult home environment to benefit from social, sporting or other activities (and perhaps in some cases to seek help/support from a trusted adult and build their resilience to deal with their childhood adversities).

Colleagues have also identified that this policy could make children who fall victim to online and technology-assisted abuse, exploitation and coercion, more vulnerable to contact abuse. With regard to other enablers which could potentially increase children's vulnerability to abuse, it should be noted, that the same case could be made with children having general access to mobile phones, the internet and other 'known adults'. Therefore, concessionary bus travel does not necessarily in and of itself pose an increased risk to children's vulnerability and should not be seen as such in isolation.

### **Healthy**

- *Having the highest attainable standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy and safe choices*

As outlined under Article 24, this scheme is intended to support young people use the bus and reduce the number of car journeys to help improve air quality and tackle the climate emergency, which will help improve the health of young people in future.

Additionally, by providing access to free bus travel without geographic or travel time restrictions, this policy allows children to access services which could support their physical and mental health such as sports.

### **Achieving**

- *Being supported and guided in their learning and in the development of their skills, confidence and self-esteem at home, at school and in the community*

Free bus travel extends opportunities to attend educational activities which are not school but support the child's educational attainment, as well as access to positive peer influences during evenings, weekends, and holidays.

### **Nurtured**

- *Having a nurturing place to live, in a family setting with additional help if needed or, where this is not possible, in a suitable care setting*

This policy supports families by removing a pressure on the household budget, and may support looked-after children to maintain familial relationships by removing the cost of travel as a barrier to regularly visiting extended family such as grandparents.

### **Active**

- *Having opportunities to take part in activities such as play, recreation and sport which contribute to healthy growth and development, both at home and in the community*



By providing access to free bus travel without geographic or travel time restrictions, this policy allows children to access services which could support their physical and mental health such as sports. It also encourages active travel, which evidence suggests is positive for people's health.

### **Respected**

- *Having the opportunity, along with carers, to be heard and involved in decisions which affect them*

The development of this policy included actively seeking the views of children, young people, parents/guardians, and third-sector organisations which work with them.

### **Responsible**

- *Having opportunities and encouragement to play active and responsible roles in their schools and communities and, where necessary, having appropriate guidance and supervision and being involved in decisions that affect them*

Free bus travel will allow children and young people to travel to opportunities outside of school, including community roles.

To ensure children and young people are supported to responsibly and safely ride the bus, education materials will be provided on journey planning and bus use. Pilot schemes in local authorities and third-sector charities have models which can be used to develop this material in partnership with young people.

To support looked-after children being respected and heard, a practice note to local authorities will outline the intent of the scheme and advise that the child's views are taken into account when the decision on whether to approve a bus pass application is made.

### **Included**

- *Having help to overcome social, educational, physical and economic inequalities and being accepted as part of the community in which they live and learn*

Free bus will remove the barrier that the cost of travel can pose in reducing inequalities. It will also allow children to benefit from and be part of the wider community outside of their immediate surroundings, and access a wider variety of opportunities.

## **6. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland?**

We accept that physical distance and lack of transport is a barrier to children attending school. Section 42 of the Education (Scotland) Act 1980 sets out that the only two reasonable excuses for absence from school are sickness or living further than walking distance from school without local authorities having made any provision for transport to school. Walking distance is defined as less than 2 miles for children under age 8 or less than three miles for children age 8 and over. Section 42 of the Education (Scotland) Act 1980 sets out ways in which local authorities can provide transport to school: in practice, many local authorities

provide a bus pass for travel to and from school, or in some cases provide dedicated school transport services.

If physical distance and lack of available transport is accepted as a barrier to attending school, it is reasonable to accept that these are also a barrier to other opportunities. Under the UNCRC, children have a right to leisure, play and culture. Providing free bus travel could reduce the barrier which physical distance presents to children exercising these rights, which we know contribute to children's wellbeing and attainment.

## **7. What evidence have you used to inform your assessment? What does it tell you?**

### **Prior Transport Scotland Consultations**

The Scottish Government has offered concessionary travel to people age over 60 and people with certain disabilities since 2006, and since 2007 has offered a one-third discount on adult single fares to young people age 16-18. We have held periodic customer satisfaction surveys to assess how people use their concessionary travel and whether it achieves the programme goals.<sup>8</sup> Customer feedback identified that concessionary travel users felt that their card helped them get "out and about" without worrying about the cost of travel. While the policy intent for concessionary travel for people over the age of 60 is different from the policy intent of this extension to people under 19, this does indicate that the cost of travel is a barrier and removing it helps cardholders become more involved in activities which support their health and wellbeing.

In 2017, we consulted on the existing concessionary travel scheme for people aged over 60 and disabled people.<sup>9</sup> We asked whether we should provide companion passes to disabled children under age 5 and 81 percent of respondents were in favour of this proposal. A number of respondents noted that they are surprised that companion cards are not already available for disabled under 5s and/or suggest that standardising the treatment of the under and over 5s is the logical and right thing to do. One respondent noted that "families with disabled children have significant extra costs and a lot of appointments to attend and this would help."

An overview of the 2020 Consultation we undertook on this policy is outlined under Question 8.

### **External reports**

#### Scottish Youth Parliament (SYP) – All Aboard

The SYP voted that public transportation should be their national campaign issue for 2018-19. They produced the All Aboard report, which surveyed 1,329 young

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<sup>8</sup> Transport Scotland Concessionary Travel customer feedback research published in two parts:

<https://www.transport.gov.scot/publication/concessionary-travel-customer-feedback-research-year-one-report/>

<https://www.transport.gov.scot/publication/concessionary-travel-customer-feedback-research-year-two-report/>

<sup>9</sup> <https://www.transport.gov.scot/media/42573/free-bus-travel-analysis-of-responses-august-2018.pdf>

people in Scotland, 83.3 percent of whom were under age 18.<sup>10</sup> The report found that nearly one third of respondents (31.4%) pay more than £12 to travel to school, college, or university each week. Respondents commented on the variability of the cost of a weekly bus pass across the nation, including that some schools and local authorities pay for bus travel and others do not. They noted that discounted fares were often not valid during peak times, which are the times that young people need to travel to work, and suggested that lower minimum wage for young people should mean they pay less in travel.

Nearly one-third of young people surveyed said that cheaper bus fares would encourage them to travel more frequently on the bus. Another group stated that not having to find loose change to pay the cash bus fare would encourage them to use the bus more. Both of these issues would be addressed through a national concessionary bus travel programme for people under the age of 19.

### Poverty and Young People

The socioeconomic impact of this policy is explored in greater detail in the Fairer Scotland assessment. It is worth noting a few key points from that assessment in the CRWIA, including that the economic impact of Covid-19 is likely to be especially difficult for young people. Young people are more likely to work in industries and jobs which are being impacted by Covid-19, such as hospitality, and are more likely to be in jobs where they are unable to work from home. Families are facing increased costs as many have needed to purchase additional equipment to cope with remote learning. It is also worth noting that minimum wage for people under the age of 18 is £4.55, compared to £6.45 for 18-20 year olds, £8.20 for 21-24 year olds, and £8.72 for people over age 25.

### **Comparator schemes**

#### London

Transport for London (TfL) has offered free travel across its network for people aged under 18 since 2005. In 2020, budget pressures due to Covid-19 placed this scheme at risk, but the final agreement with the UK Government preserved free travel for under 18s. In July 2020, Partnership for Young London, London's Regional Youth Unit, surveyed over 2,000 Londoners aged 16-18 in response to the proposals to learn the anticipated impact of removing the free travel product.<sup>11</sup> 43.8% said that losing free travel would change the college or school they are considering attending. 65.7% said that they were worried that getting to school or around London is less safe without free travel. Young people with care experience were more likely to say that they were worried than those without care experience (75.4% to 62.3%). One respondent noted "My boxing gym is too far and unsafe to get to on foot, without the bus I'll have to give up my hobby." Another noted that free transport means that "in the winter months when it gets dark earlier than I don't have to walk through alleys and unlit streets." Respondents also spoke about their feeling that the cost of travel to activities would be a burden on their family's budget. While Local Authorities have a duty to provide school transport for children

<sup>10</sup> All Aboard – Scottish Youth Parliament, January 2019. <https://syp.org.uk/campaign/all-aboard/>

<sup>11</sup> "Free transport means everything to me": Understanding the impact of the suspension of free travel on under-18s – Partnership for Young London, June 2020  
[https://trustforlondon.fra1.digitaloceanspaces.com/media/documents/Free\\_transport\\_means\\_everything\\_to\\_me\\_report.pdf](https://trustforlondon.fra1.digitaloceanspaces.com/media/documents/Free_transport_means_everything_to_me_report.pdf)

living more than two miles from school for children under 8 and living more than three miles from school for children over age 8, this evidence supports our expectation that free bus travel allows children and young people to safely access activities beyond the school day, which support their wellbeing.

Free bus travel was especially important to young people who need to take more than one bus to school. One young person who takes three buses to school notes that “as a child in a family of 6 kids it would be very costly for my parents to have to pay for my travels.” The more buses/trains/tubes a young person caught, the more likely they were to say that it would change the college or school they were considering. This is especially relevant to Scotland because we know that the frequency of bus provision varies, with poorer or rural communities less likely to have access to frequent bus services. While this policy does not address the frequency or service levels of buses in these communities, London’s evidence suggests that removing the cost of multiple bus trips would help address this barrier to education and other opportunities in Scotland.

A 2013 academic paper sought to understand the effects of London’s young person free travel scheme on active travel, road traffic injuries, assaults, one measure of social inclusion (total number of trips made) and one measure of environmental impact (car use).<sup>12</sup> It found that free bus travel may have led young people to use the bus for short journeys instead of walking or cycling, and was also correlated with a reduction in the use of car journeys. While researchers were concerned that this might be negative in terms of reducing physical activity, they also noted that this may have positive impacts on reducing road injuries. They also concluded that reduced car usage would have broader environmental benefits for young people and the rest of the city.

### Looked After Children

Free bus travel may be especially positive for looked-after children, defined as those in the care of their local authority. We spoke to two local authorities who have piloted programmes to provide bus travel to looked-after children. The Falkirk Look After Pass provided children with a weekly or monthly bus pass, while the Renfrewshire Through Care programme used a ticketed system which had the added advantage of allowing the local authority to identify (in aggregate) the most-used bus routes for young people, helping them to target services. Both local authorities noted that providing free bus was supportive of the Scottish Attainment Challenge.

Both noted that the free bus helped children maintain contact with family and friends, including siblings. One young person had been able to build a relationship with their grandparents through weekly visits, which had previously been difficult since they had to ask their foster family for the bus fare or a lift. The Renfrewshire Through Care programme found that most requests for bus passes came from young people aged 14 and up. One young person identified that beyond the cost pressure, their parent was already at work in the morning and they couldn’t ask for bus money; some young people had eaten less for lunch so they could afford bus fare to go out with their friends.

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<sup>12</sup> Health impacts of free bus travel for young people: Evaluation of a natural experiment in London. Article in Journal of epidemiology and community health · June 2013

Both local authorities worked closely with their local bus companies (First and McGills) including on driver training and awareness to make young people feel more confident and welcome on the bus. Renfrewshire also worked with young people to develop a 'how-to' guide for young people who may not have felt confident traveling on the bus, covering everything from safely planning a journey in advance to bus etiquette. Renfrewshire found that loading the bus ticket onto the Young Scot NEC removed any stigma that the young person may have felt if they had produced a card which identified them as being in care or low-income.

Colleagues identified that some looked-after children may try to leave their care placement, risking their safety. The Falkirk programme was limited to the local authority boundary, and Renfrewshire generally seeks parental approval before providing bus passes (with very limited exceptions when parental knowledge of the bus pass was considered detrimental to the child's wellbeing).

#### **8. Have you consulted with relevant stakeholders?**

We publicly consulted on proposals to provide concessionary bus travel to people under age 19. This opened on 26 October 2020 and closed on 7 December 2020. To support our duty to consult with children, parents/guardians, and the children's workforce, we asked respondents to identify whether they belonged to one or more of these groups. Out of the 3,074 consultation responses we received,

- 596 (19%) indicated they were young people under the age of 19
- 1700 (55%) indicated they were parents or carers of young people under the age of 19
- 424 (14%) indicated they work or volunteer with people under age 19 (for example as a teacher, educator or social worker)

We identified stakeholders to proactively ensure they were aware of the consultation, and received responses from a number of organisations focused on children and young people including:

- 2050 Climate Group
- Action for Children
- Child Poverty Action Group (CPAG) in Scotland
- Family Fund Trust
- Kinship Care Midlothian SCIO
- LGBT Youth Scotland
- NUS Scotland
- Poverty Alliance
- Poverty and Inequality Commission for Scotland
- Scottish Youth Parliament
- Tweeddale Youth Action
- Young Scot
- YouthLink Scotland

A full analysis of the consultation responses we received is available on the Transport Scotland website, including further information on respondents.

## **9. Have you involved children and young people in the development of the policy/measure?**

### **Scottish Youth Parliament / Young Scot**

Since June 2020, Transport Scotland has convened a Transport Transition Inequalities Network to hear from stakeholders how the Covid-19 pandemic has impacted communities. On 22 October 2020, a special session of the Network was convened with Members of the Scottish Youth Parliament and youth representatives of Young Scot. The young people attending this session were broadly positive about the impacts of free bus travel for people under the age of 19. One attendee noted, that “as a person who lives on an island, getting off is quite difficult. To not have geographic boundaries for young people would be very beneficial.”

Several issues were identified as barriers to use of bus travel which were not cost, including the reliability and availability of bus service at times which young people travel. One attendee said that they were “grateful [for free travel] but I have a feeling of, if the bus doesn’t show up for half an hour, what’s the point. There needs to be an emphasis on improving reliability as well.” Several attendees noted that buses become less frequent or stop altogether in suburban and rural areas after 6pm or on Sundays, which are times that young people still seek to travel. Attendees also noted that some current discount schemes offered by local authorities have periods during the school holidays when the discount does not apply during peak travel hours. Many of these concerns are also reflected in the All Aboard report, referenced above.

Attendees indicated some other considerations, including the need for driver awareness as several indicated that bus drivers refuse to provide existing discounts. Several also noted that by the time young people reach their mid-teens, the photo of them (taken around age 11 on original application for the card) no longer looks like them, causing some issues having the card accepted. Representatives from Young Scot noted that cardholders currently have the ability to update their photo, and education may be appropriate to ensure young people are aware they can do this.

In terms of child safety, one attendee noted that issues of parental approval are difficult as ‘it’s one of those things that you have to base on the individual but apply generally.’ There was a sense that parental approval under the age of 16 would be reasonable. Attendees also noted existing resources such as apps that exist for locating safe spaces, and local schemes where a student card is held by a taxi company and can be collected on settling the bill for transport home.

### **Children’s Parliament**

We worked with the Children’s Parliament in order to seek children’s views on free bus travel. One seven-year-old said that free bus travel would mean they could go to their friend’s house, and their mother noted that free bus would help them visit family all over the city. We met with a group of 8-11 year olds on 4 December 2020, who supported free bus travel due to the environmental benefits, noting “you’d use less fossil fuels if people used cars less.” The group also felt that it was

appropriate for the “adult that you live with” to exercise a level on control over the free travel card, especially for children under age 12.

### **Scottish Government**

Transport Scotland have engaged with colleagues across the Scottish Government with expertise in protecting the safety and wellbeing of children. These include officials with expertise in child protection, disability and BSL, child sexual abuse and exploitation, harmful sexual behaviour, child trafficking, unaccompanied child asylum seekers, social work, care-experienced children and young people, adult support and protection (16+), education, anti-poverty, serious organised crime, asylum-seekers/refugees, and children & young people’s participation.

The majority of the policy officials we spoke to were keen to stress that overall, this policy would support children’s ability to exercise their rights and would improve their wellbeing. However, these conversations identified certain risks to children which involve travel, including children seeking to run away from home, children at risk of sexual abuse (for example being groomed online and meeting the abuser in person), or children being exploited by criminal gangs (for example to traffic drugs). We do not have evidence on the degree to which removing the cost of travel may increase these risks. These conversations identified that looked-after children may be especially vulnerable, currently representing a disproportionate number of missing children. They also identified specific concerns around ensuring all children can access the scheme, since certain groups of children such as asylum-seekers or gypsy/traveller children may face unique barriers to access.

### **Police Scotland/British Transport Police**

We engaged with Police Scotland to further understand the implications to child safety. Many of the police concerns were around tracing missing children. The cost of travel may limit the child’s ability to leave the immediate geographic area, and an ability to travel more widely increases the number of bus services on which the child may have travelled. The increased number of bus operators complicates the investigation, since police need to seek CCTV and other information from each operator separately. There is a limited ability to trace the use of concessionary cards, and Police Scotland currently seeks Transport Scotland’s assistance tracing card usage in limited circumstances, such as when a serious crime has been committed.

Police Scotland also discussed cases when children are misusing their bus pass, for example in an anti-social manner. We do not have evidence whether removing the cost of travel would increase anti-social behaviour on the bus network, although we have some anecdotal evidence from Transport for London (below).

### **Transport for London**

Transport for London (TfL) has offered their Zip Oyster programme since 2008, which provides free bus and tram travel across London to young people age 16-17, and free travel on all transport services to children age 5-10 and 11-15. Children under 5 travel free with a fare-paying adult. The scheme is non-statutory.

Parents are required to apply for their child’s Zip Oyster product up to the age of 18, although in practice, no verification takes place and a child with their parent’s bank details could create an account. Parents do not have access to their child’s journey history, but TfL does have access for the purposes of safety.

Conversations with TfL found that child protection has not been a significant issue; however they can easily access journey history and CCTV across the network in response to police requests. TfL maintains a clear process to deal with these requests and an auditing system to protect children's privacy.

TfL experienced an increase in anti-social behaviour on the network in approximately 2009-2011. In response, they updated their Behaviour Code to reflect that if observed by a revenue inspector, anti-social behaviour could lead to a loss of the Zip Oyster card or the concession on the card. TfL also implemented an "Earn Your Travel Back" scheme where young people could earn their travel concession back through community service hours. This scheme was administered by a third party and was withdrawn due to the high cost. TfL felt that a number of other initiatives had helped reduce instances of anti-social behaviour including graffiti removal, cleaner stations, and anti-etch windows.

### **Children's Charities and Advocacy Groups**

We have reached out to a number of advocacy organisations for children and parents to seek their views through our public consultation. We also met with several third-sector charities which work with children and young people. Several themes emerged from these consultation responses and conversations, many of which are reflected throughout this CRWIA.

#### Overall impact

Third sector groups said that free bus for under 19s was overall very positive for children, providing opportunities to travel out of their immediate area and meet with positive peer influences from school, better value and range shopping, educational opportunities, and work opportunities. They also identified that paying and administering travel for the children they work with takes resources and free bus travel will allow that resource to be redirected.

#### Child safety

Third-sector groups identified some of the same risks free national bus travel could pose to vulnerable children, as outlined above, such as looked-after children leaving their care placement. They also noted that young people who are determined to travel can and do jump train barriers.

One third-sector charity cited SCRA research, which looked specifically at children in the Children's Hearings System who have been victims of, or who may have been victims of, sexual exploitation. The research found that the crucial age when children may be at risk is between 9 and 13. The same charity shared information on a scheme to provide training and information to staff and drivers to identify worrying behaviours. For example, they noted that many people do not realise that boys as well as girls can be at risk, and that children traveling during school hours should also raise concerns.

Another charity identified that children who may not be used to riding the bus may find themselves in tricky situations, such as missing the last bus in an unfamiliar area, which could be made more likely if children change bus. Education for children on how to safely plan their journey and ride the bus would help mitigate this.

One group noted it was important that children are aware that free bus will expire on their 19<sup>th</sup> birthday, so that children who have built relationships and lives that



depend on the bus know they will need to manage their budgets to continue riding the bus. They also noted that children may not consider it to be a big deal to lend their bus pass to friends over age 19, risking the loss of their bus pass. Appropriate use of the bus pass will be clearly communicated to young people.

Anti-Social Behaviour and Perception of Children and Young People

Charities noted that there may be an increase in young people hanging around bus stations or riding around on buses, which are warmer, dryer and safer than spending time with friends in parks or other public spaces. They felt that this behaviour may initially spike before reducing as the novelty of free bus travel wears off.

However, this spike could play into negative perceptions about groups of young people and risk turning public opinion against young people accessing free bus travel. This existing negative perception was reflected in a number of consultation responses concerned that anti-social behaviour on the bus would impact other bus users, especially older or disabled riders, or riders with prams. Charities suggested education on responsible bus use for children and young people, through existing forums such as third-sector charities and schools.

**Schools/Educators**

A number of consultation responses emphasised that free bus travel should not be seen as a replacement for home to school transport provision and that school bus services need to be protected to ensure they are viable/that the scheme does not unduly affect school bus services. In response to the consultation, local authorities identified the need to consider this further and this is part of this policy’s BRIA. Scottish Government officials in the Learning Directorate did not anticipate any negative impacts on school transport and felt free bus would support children’s access to opportunities. There were some concerns about the application process acting as a barrier to some children, which are outlined above and in further detail in the Fairer Scotland Duty assessment.

**CRWIA – Stage 3**

<b>CRWIA title: Concessionary Bus Travel for People Under Age 19</b>	
<b>Date of publication: 21 January 2021</b>	
<b>Executive summary</b>	<p>The National Bus Travel Concession Scheme for Younger Persons (Scotland) Order 2021 will introduce free bus travel for children under age 19 who are resident in Scotland and extend the right to a companion travelling for free to eligible disabled children under 5.</p> <p>In developing the legislation, Transport Scotland has undertaken a number of impact assessments (EQIA, DPIA, Fairer Scotland Duty) including this CRWIA.</p>
<b>Background</b>	<p>There are approximately 770,000 people under 19 resident in Scotland who would be eligible for free bus travel.</p>

	<p>Children under five are already eligible for free bus travel as a widespread practice across the bus industry. Children between 5 and 15 typically pay significantly reduced child fares while young people aged 16 upwards generally pay adult fares, although some commercial discounts are available, for example some operators provided discounted season tickets for students.</p> <p>Currently, under the non-statutory National Concessionary Travel Scheme for Young People, young people aged 16 to 18 travelling by bus receive a one-third discount on the adult single fare on presentation of a valid Young Scot card.</p> <p>This policy will allow children and young people under the age of 19 who are resident in Scotland to travel on the bus in Scotland at no cost to themselves.</p>
<p><b>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</b></p>	<p>The development of this policy has positive impacts on Article 2 (non-discrimination), Article 3 (best interests of the child) and Article 4 (implementation of the Convention), as this scheme applies to all children and young people under the age of 19 who are resident in Scotland, and furthers children’s ability to exercise the rights they have under the UNCRC.</p> <p>The implementation of this scheme will carefully balance Article 5 (parental guidance and a child’s evolving capacities) and Article 12 (respect for the views of the child) and the development of the policy has been undertaken with views from children and young people. Transport Scotland has undertaken a data protection impact assessment to ensure a positive impact on Article 16 (right to privacy).</p> <p>Free bus travel for those under the age of 19 will have positive impacts and further children’s and young people’s ability to exercise their rights under Article 15 (freedom of association), Article 18 (parental responsibilities and state assistance), Article 24 (health), Article 28 (right to education), and Article 31 (leisure, play and culture).</p> <p>The extension of the disabled concessionary scheme (which provides a companion card) to children under age 5 will advance children’s rights under Article 23 (children with a disability).</p> <p>A risk to children’s rights under Article 19 (protection from violence, abuse and neglect), Article 33 (drug abuse), Article 34 (sexual exploitation), Article 35 (abduction, sale and trafficking), Article 36 (other forms of exploitation), and Article 40 (juvenile justice) was identified, and will be mitigated with parent/guardian approval for those under 16 years of age and an education/awareness campaign for children/young people, parents/guardians, and bus operators.</p>

<p><b>Children and young people's views and experiences</b></p>	<p>The views of children and young people were sought through a public consultation, which received 3,074 responses, of which 596 (19%) respondents identified themselves as under 19, 1,700 (55%) identified themselves as a parent or carer, and 424 (14%) identified themselves as someone who works with children or young people.</p> <p>The Scottish Youth Parliament and Children's Parliament were also engaged, as well as a number of third-sector organisations which work with children and young people, and officials with expertise in children and young people within the Scottish Government.</p>			
<p><b>Key Findings, including an assessment of the impact on children's rights, and how the measure will contribute to children's wellbeing</b></p>	<p>Free bus travel for children and young people under the age of 19 will have broadly positive effects on children's rights and wellbeing, facilitating access to educational, leisure, and work opportunities. For a small number of children, removing the cost of travel could pose a small increase in risk but we do not know to what degree that risk would increase.</p> <p>The benefits will be maximised and the risks mitigated by seeking parent/guardian approval for children under age 16; extensive communications to parents/guardians and children; and driver awareness training made available to bus operators.</p>			
<p><b>Monitoring and review</b></p>	<p>We intend to review the scheme, including the impact on children's rights and wellbeing, seeking the views of children and young people, after the first full year of operation.</p>			
<p><b>Legislation</b></p>	<p><b>Aims of measure</b></p>	<p><b>Likely to impact on . . .</b></p>	<p><b>Compliance with UNCRC requirements</b></p>	<p><b>Contribution to local duties to safeguard, support and promote child wellbeing</b></p>
<p>The National Bus Travel Concession Scheme for Younger Persons (Scotland) Order 2021</p>	<p>Provide free bus travel to people under age 19, to improve their access to education, training and employment and to promote positive sustainable travel behaviours. To extend the right to a companion travelling for free to eligible disabled under 5s.</p>	<p>All children and young people</p>	<p>Articles 2, 3, 4, 5, 12, 15, 16, 18, 19, 23, 24, 28, 31, 33, 34, 35, 36, 40 are impacted by this policy. This policy has positive impacts on all Articles identified except Articles 19, 33, 34, 35, 36, and 40, which are neutral.</p>	<p>The policy has positive impacts on the wellbeing indicators of Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included.</p>

**CRWIA Declaration****Authorisation****Policy lead**

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**Date**

6/01/2021

**Deputy Director or equivalent**

Laura Murdoch  
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**Date**

6/01/2021