

Disabled Freedom Pass for people with a learning disability

Your guide to applying for a pass

This guide contains extra information to help explain what you need to know to fill in the application form correctly

The Council is authorised and required to determine the eligibility of applicants under laws and related Government guidance. Your application will therefore be considered in accordance with the eligibility criteria prescribed in law and in guidance.

Applicants must reside in the Royal Borough of Kensington and Chelsea.

You need to use another form if you are applying on grounds of

- physical disability; or
- medically unfit to drive a motor vehicle

Contact the Accessible Transport team on **020 7361 2390** or email **ATS@rbkc.gov.uk** for an application form. The forms are also available on the council's website **www.rbkc.gov.uk**

Other travel concessions

To have an older person's freedom pass you must meet the age criteria. You can find more information on **www.freedompass.org**

If you are 60 but not yet eligible for an older person's freedom pass, you can apply for the 60+ Oyster Card on Transport for London's website **www.tfl.gov.uk**

Thank you for your interest in the Disabled Person's Freedom Pass scheme.



Eligibility Criteria

Under the Concessionary Bus Travel Act, 2007, you will be eligible for a Disabled Person's Freedom Pass from your fifth birthday if you have

“a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning”.

Government guidance to the Act defines ‘learning disability’ in this way:

A person with a learning disability has a reduced ability to understand new or complex information, a difficulty in learning new skills, and may be unable to cope independently.

These disabilities must have started before adulthood and have a lasting effect on development. The person should be able to qualify for specialist services and he or she may have had special educational provision.

Please note, a learning difficulty is not the same as a learning disability. Examples of what conditions are not accepted as a learning disability include ADHD, dyslexia, Asperger's syndrome and Autism.

Other possible categories of eligibility

Below are other possible categories under which a person with learning disabilities may be found eligible for a Disabled Person's Freedom Pass

- registered as blind or partially sighted
- profoundly or severely deaf
- without speech (unable to talk)
- has a disability, or have suffered an injury, which has a substantial and long-term adverse effect on the ability to walk
- without arms or have long-term loss of the use of both arms
- medically unfit to drive and would be refused a driving licence if one were applied for
- Disability Living Allowance (DLA)
- Personal Independence Payment (PIP)
- War Pensions Mobility Supplement

The statute excludes people from obtaining freedom passes who have been, or would be, refused a driving license on grounds of persistent misuse of drugs or alcohol.

Photograph requirements

A photograph is necessary to ensure correct use of the pass. It is not a requirement that the photograph is taken in a photo-booth, but it must roughly comply with the requirements for passport photographs, see the following list:

- a colour photograph taken within the last 12 months
- be taken against a plain, light cream or grey background
- show your full head, without any head covering, unless you wear one for religious beliefs or medical reasons
- be taken with your eyes open and clearly visible (no sunglasses or tinted glasses)
- be free from reflection or glare on your glasses, and the frames must not cover your eyes
- not be torn, creased, or marked

If you have difficulties getting a photograph taken in a photo-booth you may take a photograph on a digital camera or mobile phone and email it to **ATS@rbkc.gov.uk**

Proof of address

If you do not want to give permission to check council tax records to verify your address you need to provide one proof from the list below (photocopies are acceptable):

- Current council tax bill/letter/payment book
- Current council/housing association rent book/statement/letter/tenancy agreement
- Current television licence
- Residential utility bill/letter (excluding mobile phone bills) dated in the last 3 months
- HM Revenue and Customs letter dated in the last 3 months
- Department for Work and Pensions benefit entitlement letter dated in the last 3 months
- Occupational pension letter dated in the last 3 months

This section **must be completed** by your doctor or psychologist, or specialist learning disability health professional, to confirm your eligibility for a freedom pass.

Please note, the final decision about whether to issue an applicant with a freedom pass is made by the Council.

Examples of health professionals:

- consultant paediatrician
- child psychologist
- Council learning disability social worker
- GP
- psychologist

Additional Information

Travel Expenses

Please note that the Council cannot take responsibility for any travel or legal expenses that you incur whilst your application is being processed, regardless of the outcome of your application. Should you be found ineligible, and decide to appeal the Council's decision, you will not be reimbursed by the Council for travel or legal expenses incurred during the appeal procedure, regardless of the outcome of the appeal.

Response time

We will respond within 12 weeks from when we receive your application form. Please do not contact us during this time unless you want to make a major change to your application.

Successful applications

If you are found eligible for a freedom pass, we will send your details to a bureau to make the pass and send it to you through the post.

Privacy Notice For Accessible Transport Services

Information about the Council's Privacy Notice for Accessible Transport Service. The privacy notice is to be read in conjunction with the full Royal Borough of Kensington and Chelsea fair processing notice at: <https://www.rbkc.gov.uk/footer-links/data-protection/fair-processing-notice>

What are the purposes of processing your personal information?

We collect and use your personal information in order to process in order to work out your entitlement for concessionary travel within the Royal Borough of Kensington and Chelsea. We will always explain how this information will be used and why. Where it is appropriate for us to seek your consent to process your information we will always do that.

What type of information is collected?

As part of the concessionary travel (accessible travel) administration process, the Council will collect certain information where appropriate. This information collected may include:

- Name
- Home address
- Telephone number (including Home and Mobile telephone number)
- Email address
- Date of birth
- National Insurance number
- Medical information
- Health professional information
- Vehicle Registration Mark (VRM)

We also collect some sensitive information such as ethnicity and health information.

Who processes the information?

The Council's Customer Access Department is responsible for processing the information outlined in this notice. All personal data held is processed in accordance with data protection laws.

Abavus Ltd is the company contracted by the council to process concessionary travel information and undertakes this function as the council's Data Processor.

Blue Badge Information Services (BBDS/Valtech) is used by the council to record and order Blue Badges.

Taxicard Case Management System (Elevate System/London Councils) is used by the council to record and order Taxicards.

Freedom Pass Case Management System (ESP System/London Councils) is used by the council to record and order Freedom Passes.

Tranzacct Case Management System is used by the council to record concessionary travel information.

How is the information used?

We will use it (where applicable) to:

- Determine who is entitled to receive concessionary travel (Blue Badge, Purple Badge, Taxi Card Freedom Pass and Personalised Parking Bay) and for what period(s)
- Comply with legal obligations, for example the prevention and/or detection of crime including fraud
- Protect public funds

Who may we share your information with?

We may share information with other council departments and agencies for the detection, prevention and prosecution of fraud and criminal activity. Examples of such agencies include the Police and HM Revenues and Customs.

We may also share information with other council departments and organisations where necessary for:

- Making any disclosures required by law
- Assisting bodies responsible for: auditing or administering public funds, maintaining public safety, mitigating risk of harm and assisting in emergencies.
- Where it is necessary to allow a third party working on behalf of the Council and/or to provide services to you, this includes Occupational Health professionals.

How long do we keep your records?

We will only keep your information for the minimum period necessary. The information outlined in this privacy notice will be kept for the period required by the council for legal and audit purposes. All information will be held securely and destroyed under confidential conditions.

Your rights

The General Data Protection Rules (GDPR) and Data Protection Act 2018 allows you to find out what information is held about you, on paper and computer records. This is known as ‘right of subject access’ and applies to your Council Tax records along with all other personal records. Details of how to obtain a copy of your records can be found here:

www.rbkc.gov.uk/council-and-democracy/freedom-information/request-personal-information/subject-access-requests

You are entitled to receive a copy of your records free of charge, within 30 calendar days. In certain circumstances, access to your records may be limited, for example, if the records you have asked for contain information relating to another person.

The GDPR and Data Protection Act 2018 allows you other rights; for example, if there is an error in your records you have the right to make sure it is rectified or erased.

Please contact **ATS@rbkc.gov.uk** with any request or query regarding these rights.

If you are dissatisfied with how the Council has used your personal information you should in the first instance write to the council’s Data Protection Officer at **dpo@rbkc.gov.uk**. Should you continue to be dissatisfied with the council’s response you have a right to complain to the Information Commissioner’s Office at **casework@ico.org.uk**

Changes in your circumstances

You must notify us immediately if there are any changes in your circumstances and personal details so we can maintain an accurate and up to date record of your information in order to continue to provide services and/or fulfil legal obligations.

Contact details of data controller

Name: Head of Assessments

Address: Customer Delivery, Kensington Town Hall ,
Hornton Street, London W8 7NX

Contact

If you have any questions about the application form, please contact the Accessible Transport team

Telephone: **020 7361 2390**

Email: **ATS@rbkc.gov.uk**

Your Notes