

A report of the Chief Executive
Blue Badge (Disabled Persons' Parking) Scheme

At the meeting on 22nd March 2017, County Council agreed the following motion:-

This Council recognises that regulations over who can and cannot get a blue badge are getting much stricter. As a Council we believe everyone who needs a blue badge should be able to get one.

This Council commits to review its Blue Badge Policy criteria and will invite all relevant community groups and interested partners to an open consultation over how we can make this service more accessible.

This report at appendix 1 is based on government legislation, Department for Transport guidance, comparative data from other local authorities and operational policy and practice that Gloucestershire County Council adheres to. It is important to note that the Department for Transport is currently reviewing the eligibility criteria for 'non-mobility disability' such as learning disability, cognitive or behavioural issues and is reviewing the ICT system which holds the national data base and fulfilment functionality.

RECOMMENDATIONS:-

That the report is noted

1. Background

The Blue Badge (Disabled Persons' Parking) Scheme was introduced under section 21 of the Chronically Sick and Disabled Person Act 1970 with Best Practice Guidance issued in 2012. Local Authority Circulars in 2011 extended eligibility to other groups such as disabled children under three and severely disabled war veterans and service personnel. The reform of the scheme in 2012 also:-

- Transferred control of then NHS spend on badge eligibility assessments to local authorities.
- Provided local authorities with an on-the-spot power to recover badges that have been cancelled and misused;
- Introduced a national database and an online application facility
- Amended legislation to require wider use of independent mobility assessments to determine eligibility, including where previously the assessment was carried out by a GP
- Introduced national standard electronic badges which are harder to alter and forge

The aim of the scheme is to help disabled people with severe mobility problems to access goods and services, by allowing them to park close to their destination.

There are 2 types of eligibility criteria outlined in the guidance:-

i. Eligibility without further assessment.

People may be issued with a badge without further assessment if they are more than 2 years of age and fall within in one or more of the following descriptions:

- receive the higher rate of the mobility component of Disability Living Allowance (DLA) (help with getting about) or
- receive 8 points or more under the "moving around" activity of the mobility component of Personal Independence Payment (PIP) or
- are registered severely sight impaired or
- receive a War Pensioners Mobility Supplement or
- receive an Armed Forces Compensation Award

ii. Eligibility subject to further assessment

People may be issued with a badge after further assessment if they are more than 2 years old and either:-

- Drive a vehicle regularly and have severe disability in both arms and unable to operate, or have considerable difficulty in operating, all or some types of parking meter
- or
- Have a permanent and substantial disability that causes inability to walk or very considerable difficulty in walking

Children under two years of age

Children under two years of age may be eligible for a badge if they need to have bulky medical equipment with them at all times, such as an oxygen supply, or if they have a specific condition which may require them to be near a vehicle, either to receive treatment in the vehicle, or be transported quickly to a place where they can be treated, such as hospital.

Parking concessions

The scheme provides a national range of on-street parking concessions to Blue Badge holders. It allows them to park without charge or time limit in otherwise restricted on-street parking environments, and allows them to park on yellow lines for up to 3 hours, unless a loading ban is in place.

2. Gloucestershire County Council Blue Badge Scheme

Applications can be made on-line or in hard copy. Evidence of identification (ID) and proof of address are required together with a current photograph. There is a £10 charge for the badge which is made up of a £5.40 for the printing and distribution of the badge and £4.60 for administering the badge scheme.

On receipt, applications are desk top assessed and scored using a scoring tool. The score card used is based on the core assessment principles identified through the Department for Transport (Dft) independent review and is a matrix score card. If an application requires further assessment, the application is assessed by the Independent Mobility Assessor (IMA). If the assessment is inconclusive the applicant will be invited to attend a clinic where their mobility will be assessed. Clinics are held in the localities at 5 different Adult Social Care premises around the county. Using the recommendation from the IMA, a badge will be printed and distributed by a third party under contract to the DfT.

If an application is declined, the applicant can submit new medical evidence to support their application or request to have the decision reviewed. The review of decision is undertaken by the Integrated Social Care Manager (ISCM) for the relevant Adult Social Care locality and the outcome of the review is final.

The IMA role was introduced during the 2012 reform and has removed the role of the GP from the assessment process. The IMAs are experienced Occupational Therapists and

are engaged via Gloucestershire Care Services. The assessment at clinic includes an observed walk over a measured route to assess the manner, speed, posture, gait, co-ordination and balance. Breathing and levels of pain are also observed and considered along with the requirement for walking aids and assistance. During the assessment the medical information provided by the applicant is cross referenced against what is observed, questions asked and with other information available.

3. Number of badges and applications

There are currently 28,648 badges on issue to Gloucestershire residents. Badges are mostly valid for 3 years* and reminders are sent to badge holders approximately 9 weeks before expiry to remind them to make a new application.

*Badges can be issued for less than 3 years if issued to a child under 3 years of age or to run coterminous with an award for PIP or DLA

Gloucestershire County Council receives approximately 900 applications each month.

In October 2017

- 1047 applications for a Blue Badge were received
- 345 Blue Badges were issued without further assessment
- 677 Blue Badges were issued following assessment
- 25 (2.4%) applications were declined

IMA October activity

- 76 applicants were seen in clinic of which 9 (11%) were declined

Over the past year to October 2017, only 3 applications have been referred to ISCM for a review of decision. The outcomes of the review have been to uphold the original decision made by the IMA. One case has been referred to the Local Government Ombudsman in this year and the outcome of that investigation is awaited.

4. Comparative Data with other Local Authorities

Although the Dft guidance is issued to all Local Authorities and the blue badge is a national badge, not all Local Authorities follow the best practice guidance to use Independent Mobility Assessors to undertake clinical assessments. There is variation in process and methodology across Local Authorities in undertaking the assessments and decision making. For the purpose of this report we gathered information from Worcestershire, Wiltshire (excluding Swindon) and Hampshire and it demonstrates that Gloucestershire declines fewer applicants comparable to other Local Authorities looked at:-

- Gloucestershire 28,634 badges on issue and decline an average of 2.2% of applicants
- Worcestershire 29,740 badges on issue and decline and average of 3.5% of applicants
- Wiltshire (excluding Swindon) have 23,094 badges on issue and decline an average of 4% of applicants
- Hampshire have 67000 badges on issue and decline an average of 2.7% of applicants.

5. Concerns raised by some applicants

The main concern raised by applicants is in relation to the eligibility for applicants with cognitive issues/ behavioural issues/bowel conditions where mobility is not the primary concern. The current guidance (The Blue Badge Scheme Local Authority Guidance (England)) does not provide for applicants with these conditions. The guidance states:-

*“To qualify.. an applicant must have **any** permanent (i.e. likely to last for the duration of a person’s life) and substantial disability that means they **cannot walk, or means they have very considerable difficulty walking**. Each application should be considered against this criterion, regardless of the particular condition. Applicants will need to demonstrate that their ability to walk is affected to the extent that they would be unable to access goods and services unless allowed to park close to shops, public buildings and other facilities.*

In all cases, entitlement depends on the applicant's difficulty in walking, and considerations such as difficulty in carrying parcels or luggage are not to be taken into account.....

Whilst medical conditions such as asthma, Crohn’s disease/incontinent conditions, autism, Myalgic Encephalomyelitis (M.E.) and other mental/cognitive/intellectual disabilities are not in themselves a qualification for a badge, people with these conditions may be eligible for a badge if they are unable to walk or have very considerable difficulty in walking. Eligibility is not determined by the presence or absence of any particular diagnosis or condition. Provided that an applicant has a permanent and substantial disability, a local authority’s eligibility decision should be based on whether the applicant’s difficulty in walking meets the criterion in the regulations...

The final decision about whether an applicant meets the criterion is for the issuing authority to made”

The change in the welfare benefit from the Disability Living Allowance (DLA) and Personal Independence Payment (PIP) has also impacted upon eligibility for a blue badge. The new PIP requires 8 points on the 'moving around' section to meet the automatic eligibility for a blue badge. Many recipients of the DLA have been assessed under PIP for points only under 'planning a journey', which does not meet the automatic eligibility criteria.

It is important to note that we have now completed a 3 year cycle of renewing badges and therefore many of the transition difficulties in applying the DfT guidance on eligibility have been resolved. Gloucestershire County Council recognised the difficulties people who were reapplying for a blue badge were experiencing in meeting the DfT guidance on eligibility criteria. A process change was made to apply a discretion criteria to cases where the applicant does not meet the automatic eligibility criteria for a badge in the following circumstances:-

- a Blue Badge has been issued on 3 previous occasions and the applicant is over 80
- Where the application is from the Palliative Care team and there is an urgent need for the badge to be issued due to the life expectancy of the person
- Where the absence of a Blue Badge would increase the risk of serious harm to the individual or others.

The DfT has been lobbied to consider extending the eligibility to applications from those who have a 'non mobility disability' such as a Learning Disability, cognitive or behavioural issues. The DfT is currently reviewing the eligibility criteria and have confirmed that they are not at this time in a position to provide an update on their review.

6. Impact of extending the eligibility criteria beyond current DfT guidance

To extend the eligibility to those with a 'non mobility disability' would inevitably include a significant portion of the population. Disabled persons parking provision is limited and increasing the demand on the limited provision will have an adverse effect to all Blue Badge holders, unless a proportional increase in disabled persons parking is made available.

Gloucestershire County Council is not responsible for private car parking arrangement such as supermarkets, hospitals, GP surgeries, where a blue badge may provide access to designated parking spaces. Demand for these spaces is often outstripping supply.

There is a financial benefit from being in receipt of a blue badge, through free designated parking. A vast increase in disabled persons parking provision is likely to reduce the amount of parking income received.

7. Summary & Conclusion

Gloucestershire County Council provides a Blue Badge scheme in line with DfT guidance and the process is fair and transparent. Consistency of process, use of an eligibility criteria and IMA assessments ensures that anyone who meets the eligibility criteria receives a badge. The percentage of applicant declines is low and comparative with other local authorities.

A new national data base is due to be operational in January 2019 which is anticipated to provide greater automation to the process.

Practise and procedures are under constant review to ensure the service meets performance targets and systems are streamlined and efficient. The service is working with the Customer Programme towards seeking options for digitalising the application process to gain further efficiencies

The Dft are currently reviewing eligibility criteria regarding 'non mobility disability' and therefore any changes to the current guidance would be required in relation to how any changes would be governed and where the parameters would be set. The views of current badge holders and interested groups would be paramount in any consultation to extend eligibility in order to consider the impact on existing badge holders, disabled peoples parking provision, loss of income and the administration cost of extending the blue badge scheme.

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