

Report To: Health and Social Care Committee **Date:** 22nd October 2015

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Inverclyde Health and Social Care Partnership (HSCP) **Report No:** SW/17/2015/BC

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Subject: Update on Implications of Blue Badge Legislation Changes

1.0 PURPOSE

- 1.1 The purpose of this report is to advise the Health and Social Care Committee on the impact of changes to the Blue Badge legislation and the HSCP procedures to implement the scheme.

2.0 SUMMARY

- 2.1 The eligibility for award of Blue Badges has been further restricted in accordance with the Disabled Persons Parking Badge Act 2013. Inverclyde Council officers are responsible for determining and implementing administrative, assessment and enforcement procedures in accordance with the governing legislation.

3.0 RECOMMENDATIONS

- 3.1 Members are asked to note the changes to legislation and update of the implementation in Inverclyde.

Brian Moore
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Inverclyde HSCP

4.0 BACKGROUND

- 4.1 The Blue Badge Scheme was updated when the Disabled Persons Parking Badge Act (2013) came into force. The Scottish Government is responsible for the legislation which sets out the framework for the scheme.
- 4.2 The Blue Badge Scheme (Scotland) Code of Practice for Local Authorities (June 2014) states that Local Authorities are responsible for determining and implementing administrative, assessment and enforcement procedures which they believe are in accordance with the governing legislation.
- 4.3 The scheme recommendation is that local authorities provide mobility assessment by a professional, such as a physiotherapist or an occupational therapist who has a duty to carry out assessments and follow the criteria. In Inverclyde this work is undertaken by the Community Occupational Therapy service.
- 4.4 The framework outlines the prescribed descriptions of disabled people to whom a badge may be issued (the eligibility criteria). This is more restrictive than previous guidelines and has resulted in more refusals of applications.

Applicants who may be issued a blue badge - who do not fall into the automatic criteria - are as follows:

The distance an applicant is able to walk without excessive pain or breathlessness; taking due consideration of the environment the individual usually walks. If an applicant is unable to walk 30 metres in total, then they can be deemed as being virtually unable to walk.

Applicants who can walk more than 50 metres and not demonstrate that they are virtually unable to walk through any other factors would not be deemed as eligible.

- 4.5 All applications forms are initially screened by two allied health professionals, where there is dubiety around reported walking ability (where the applicant does not meet the automatic criteria) the applicant is invited to attend the Mobility Assessment Clinic.
- 4.6 If following consideration of the information provided on the application an applicant is refused they have the opportunity to appeal in writing. The appeals process is detailed in Appendix 1.
- 4.7 The Disabled Persons' Parking Badge (Scotland) Act extends the provision in section 21 of the Chronically Sick and Disabled Persons Act 1970 which currently allows an enforcement officer to inspect a blue badge and in certain circumstances confiscate the badge. Enforcement officers are police, traffic wardens, local authority parking attendants.

4.8 PERFORMANCE

The following statistics are for the period 1st April 2015 to 31st August 2015.

Total Blue Badges issued	736 x £20 = £14,720.00
Organisation	8
Automatic	DLA
	PIP
	293
	40
Registered Blind	19
Mobility	Permanent
	Temporary
	347
	28
War Pension	1

Total Badges currently on issue in Inverclyde	4414
Organisation	112
Registered Blind	104
Child under 3	2
Disability in both arms	3
Automatic DLA	1814
PIP	103
Mobility Permanent	2194
Temporary	77
War Pension	5

Refusals/Appeals	1/04/15 – 31/08/15
Total no of badges refused	18
Total no of appeals	6 (5 not upheld, 1 upheld with further info provided)

Assessment Clinic	1/04/15 – 31/08/15
No of Independent Mobility Assessments	33

Misuse	1/04/15 – 31/08/15
No of badges confiscated by Enforcement Officers then returned to badge holder with misuse letter	5

5.0 FINANCE

5.1 Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

There are no specific financial implications from this report. All activity will be contained within existing budgets.

LEGAL

5.2 There are no legal issues within this report.

HUMAN RESOURCES

5.3 There are no human resources issues within this report.

EQUALITIES

5.4 There are no equality issues within this report.

Has an Equality Impact Assessment been carried out?

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YES (see attached appendix)

NO – This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

REPOPULATION

5.5 There are no repopulation issues within this report.

6.0 CONSULTATION

6.1 This report has been prepared by the Chief Officer, Inverclyde Health and Social Care Partnership (HSCP) after due consultation with the Occupational Therapy service and

Safer and Inclusive Communities. (Data collated from the National Blue Badge Unit.)

7.0 BACKGROUND PAPERS

7.1 None.

APPENDIX 1 BLUE BADGE APPEALS PROCESS

- A decision is made at screening to award a badge or to refuse a badge (desk top assessment) or to bring the applicant to the Blue Badge clinic for an Independent Mobility Assessment (IMA)
- All blue badge applicants or their representatives who are refused a blue badge are informed in writing and the reason for the refusal. This letter also provides information on the review process including grounds for the review and the timescales to be followed.
- Where the applicant disagrees with the decision not to award a badge, the applicant or applicant's representative may request a review of the decision. A request for a review must be made in writing within 28 days of the date of the local authority's letter refusing a badge; must include the grounds for the review request, and may include further supporting evidence which was not included with the initial application.

GROUNDINGS FOR REVIEW

Eligibility for a blue badge depends on being a disabled person of a description prescribed in the regulations. Applications for review should therefore be made on the basis that the applicant considers themselves to meet the description of disabled person within the regulations.

- The review is taken by a person not previously involved in the decision to refuse the blue badge. This does not however preclude discussion with the original decision maker. The review should consider the original application and evidence to check that the decision was taken in accordance with the regulations, had taken the evidence into account and was impartial. Additional supporting evidence and changes in the applicant's condition may also be taken into account.
- The review will be a desk top review if the person previously came to clinic for an IMA
- If the applicant did not previously attend a clinic IMA they should be given the option to attend a clinic appointment.
- The applicant will be provided with notification of the review decision in writing within 28 days of the date of the request for review; and notify the applicant or the applicant's representative in writing the reason for any delay in the review of the case beyond the 28 days.

COMPLAINTS

Applicants who wish to complain about the manner or conduct of the local authority process rather than request a review of a decision not to award a blue badge should be made aware of the local authority's standard complaints procedure.