

To: SOCIAL WORK COMMITTEE		Subject: SCOTTISH EXECUTIVE CONSULTATION: THE BLUE BADGE PARKING SCHEME FOR DISABLED PEOPLE
From: DIRECTOR OF SOCIAL WORK		
Date: 9 MAY 2002	Refs: SKMD/DM DD/TT/16/48/JM	

1. PURPOSE OF REPORT / INTRODUCTION

- 1.1. As reported to the Planning and Environment Committee on 13th February 2002, discussions have now been held with the Director of Social Work regarding the Disabled Persons Transport Advisory Committee (DPTAC) consultation document on the review of the Disabled Person's Parking Badge Scheme (also known as The Blue Badge Scheme). This report seeks homologation of a corporate response (attached as Appendix 1)

2. BACKGROUND

- 2.1. The Disabled Persons Parking Badge Scheme was first introduced in 1971. It applies to concessions regarding on-street parking, although holders of the badge may also receive concessions in off street car parks at the discretion of the operator. Various changes have been made to the scheme over the years - particularly with regard to increasing the scope of those eligible to apply. In April 2000, the new style of European Blue Badge was introduced.
- 2.2. In 1998 the Disabled Persons Transport Advisory Committee (DPTAC) called for a fundamental review of the (then) Orange Badge Scheme which would cover issues such as the eligibility criteria, administrative arrangements, abuse and enforcement. With this in mind, the current consultation document is intended to support the development of an updated scheme which:
- meets the needs of those who need the concessions for independent mobility
 - minimises the potential for abuse
 - is fair, robust and justifiable
 - links with related integrated transport policy implementation.
- 2.3 Recommendations are made in the consultation document regarding:-
- (a) Eligibility - where it is suggested that the discretionary criteria be retained and that certain children under the age of two should also be eligible.
 - (b) Assessing eligibility - where it is suggested that this be based on the use of trained local authority staff rather than GPs.
 - (c) Administration - where it is suggested that since the concessions apply to the roads function, the administration of the scheme should be vested in the Roads Department rather than the Social Work Department.
 - (d) Period of issue/fees/renewal process - various suggestions are made with a view to improving the administration of the scheme.
 - (e) Concessions - suggestions made regarding bringing the four Central London boroughs into the scheme and discouraging localised schemes operating in some areas.

- (f) Enforcement - abuse and misuse of the scheme is seen as undermining the effectiveness and value of the scheme. Suggestions made regarding enforcement and penalties for abuse.

2.4 The Secretary of State has invited DPTAC to co-ordinate responses to the consultation document, and submit a report to him by the end of April.

3. PROPOSALS / CONSIDERATIONS

3.1. The recommendations are far reaching and would make significant changes to the way the scheme operates. In summary the main implications are:

- (a) Eligibility – the changes proposed include reframing the discretionary criteria to apply to children under 3 years who have a requirement for transport of medical equipment at all times, and people over 66 years only. It is also proposed to abolish the Institutional Badges and encourage people attending organisations to apply for a badge in their own right. These changes are considered to be fair, robust and justifiable.
- (b) Assessing eligibility – this includes the introduction of a more detailed standardised assessment process. It also includes changing responsibility for mobility assessment from a person's GP to Local Authority staff qualified in mobility issues. The advantages of this are a smoother administrative process for applicants and staff and ensuring the same assessment process applies to all applicants.
- (c) Administration – The proposal to DPTAC is that in the future, management of the scheme would transfer to Planning and Environment. It would be their responsibility to ensure that assessments for the discretionary criteria are carried out. The Social Work Department is in the process of transferring administration for the Scheme to the First Stop Shops from June 2002.
- (d) Period of issue/fees/renewal process – the main changes are:
- for people who hold a qualifying benefit for life who currently have to reapply every 3 years, under the proposed changes they would hold their Badge for the period of benefit issue with a review mechanism built in to minimise potential abuse of the system
 - currently there is the ability to make a charge of £2.00/badge which North Lanarkshire Council does not collect. It is recommended that no fees are charged
 - the introduction of an appeals system is supported
 - the introduction of a temporary badge scheme is not favoured, as the potential for abuse is considerable and one of the parameters of the review is to minimise potential abuse of the Scheme.
- (e) Concessions: DPTAC recommend harmonising the concession relating to waiting on single and double lines throughout the UK. This is supported as it ensures that disabled people can enjoy the same concessions nationally.
- (f) Enforcement: it is proposed that enforcement be widened to include traffic wardens and car park attendants. It should be recognised that enforcement is dependent on the implementation of an order under the Road Traffic Regulation Act 1984.

4. FINANCIAL / PERSONNEL / LEGAL / POLICY IMPLICATIONS

4.1 There are a number of implications associated with implementing the recommendations which include:

- 4.1.1 The local authority staff trained to assess for mobility sit within the Social Work Department, not Planning and Environment. Negotiation would be required to consider how best to meet the significant increase in the number of assessments and time required for the more detailed assessment if these staff continue to be responsible for the assessment element.
- 4.1.2 There are resource implications for the Department which has responsibility for administering the scheme in order to fulfill the introduction of an appeals system and issuing reminder letters.
- 4.1.3** There would therefore be major resource implications within the Planning and Environment Department if additional orders were proposed to allow enforcement of misuse of disabled spaces.

5. RECOMMENDATIONS

Committee is asked to:

- (i) homologate the comments, contained in Appendix 1, as the Council's response to the consultation; and
- (ii) recognise that the Council are at present improving service delivery in this area through the use of the first stop shops; and
- (iii) note that future changes in the operation of the blue badge scheme may have resource implications for the Council.
- (iv) Note that this report and the comments contained in Appendix 1 have also been submitted to the Planning and Environment Committee for homologation.


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27 March 2002

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Disabled Persons' Parking Badge (The Blue Badge Scheme)

DTLR Review: North Lanarkshire Council Corporate Recommendations (Social Work and Planning and Environment Departments)

1. INTRODUCTION

1.1 North Lanarkshire Council is one of the largest local authorities in Scotland.

1.1 Currently all applications for a Blue Badge are processed by reception staff in one of NLC's local area social work offices. Application forms and supporting documentation are checked for accuracy and verification before passing to a central office where badges are made up, logged onto a central IT system and sent direct to the applicant. Refusal letters are also coordinated and sent out from this office. These are sent when the accompanying medical form does not support the application or following assessment by an occupational therapist which results in an application not being supported. This office also has responsibility for collating statistics for the Scottish Executive.

2. THE RECOMMENDATIONS

2.1 ELIGIBILITY CRITERIA

2.1.2 We welcome the opportunity to review the eligibility criteria and endorse the original recommendations made by DPTAC ie:

- i. people aged 3-66 years would apply via the "automatic criteria" route
- ii. children under 3 years whose physical needs require the transport of medical or other equipment at all times (eg oxygen cylinders) and people over 66 years would be able to apply under the discretionary route

2.1.3 We take note of the concerns of some discussion group members in relation to ensuring that the Scheme is applied to all who need it, but it is unlikely that anyone in need as defined by the parameters of the Scheme would fall outwith the above criteria. We also consider the above criteria to be "fair, robust and justifiable".

2.2 ASSESSING ELIGIBILITY

2.2.1 Currently within North Lanarkshire applicants applying under the discretionary criteria are not assessed by an occupational therapist in every case. If the information from the applicants' general practitioner (GP) confirms that:

1. The condition is permanent
2. The condition is not likely to improve
3. Walking ability is continuously impaired
4. The medical condition seriously affects walking ability

then the persons' mobility is deemed to be such that they qualify without further assessment. In all other cases, the applicants' mobility is assessed by an occupational therapist. Were every applicant applying under this criterion to be assessed, the volume of assessments required would increase, but it would result in a fairer system of assessment in that all applicants are subject to the same assessment process. We also take note of concerns

highlighted in the discussion paper regarding the potential compromise in the GP-patient relationship.

2.2.2 We support the DPTAC recommendation that a more detailed standard assessment procedure is followed, and endorse the introduction of a standardised detailed questionnaire to be completed by the applicant.

2.2.3 We consider there are 2 options for assessing eligibility:

2.2.4 **OPTION 1**

- Each applicant applying under discretionary criteria should complete a standardised detailed questionnaire
- Every applicant should be assessed on the level and extent of their mobility by personnel trained in mobility issues, who could either be LA staff or staff contracted from an appropriate professional group

2.2.5 **OPTION 2**

As above, but also retaining a form requesting medical information from a designated medical officer, for example a Public Health Practitioner.

2.2.6 Option 1 would make for a smoother administration process for applicants and staff alike, and also has the advantage of applying the same assessment process to all applicants

2.3. **ADMINISTRATION OF THE SCHEME**

2.3.1 We support the introduction of a good practice guide as a measure to improve efficiency and standardise procedures across the country.

2.3.2 We were very interested in the radical approach suggested within the discussion paper to move administration to a National Disabled Organisation for the reasons highlighted in the paper. Unfortunately, there are no National Organisations we are aware of operating within our area who would be able to undertake this responsibility.

2.3.3 We support the DPTAC recommendation to move responsibility to the Highways Departments (Roads in Scotland) for the reasons outlined in the discussion paper; one department would have responsibility for a range of transport issues for disabled people including issuing badges, providing parking bays, regulating on street and off street parking etc. It would also meet one of the core parameters of this review in that it would provide the opportunity to link with an integrated transport policy implementation.

2.3.4 There is still the opportunity for Local Authorities to develop joint working between departments in the way that best meets their local needs. For example within North Lanarkshire, the Social Work Department has created a series of "First-Stop Shops" where people will be able to access a range of information and services which have previously been provided by separate departments, eg. social work, housing.

2.4 **PERIOD OF ISSUE**

2.4.1 We support the extension of period of issue for people who receive a qualifying benefit for life. However, we also recognise the potential widening of abuse that may result. As a measure to counter this, we would recommend that there is a review date linked with every badge issued in this way – eg. Badge holders could be lettered every 3-5 years to confirm that they are still using the badge. That way, there is an opportunity to verify that the badge holder still requires the badge. Thereafter, there could be further reviews of the person's situation.

2.4.1 Similarly we recommend that the link between the length of award of qualifying benefit and the period of issue of the badge is maintained.

2.5 FEES

2.5.1 North Lanarkshire Council currently makes no charge to applicants for this Scheme. This is partly on the basis that the £2 charge would not warrant the expense of the administration to recover it. Broadly speaking we would continue to recommend no fee for the Scheme. Whilst we acknowledge the potential increased administrative costs associated with this review it is important to ensure that people who are issued with a badge for a shorter period are not disadvantaged in having higher costs (eg. by having to apply for a badge more often).

2.6 APPEALS SYSTEM

2.6.1 We support the introduction of an appeals system for applicants applying under the discretionary criteria. Such a system would bring the Scheme in line with the appeals system for qualifying benefits for the Scheme, for example, Disability Living Allowance, and would provide a standard mechanism for addressing discretionary issues.

2.6.2 We propose a 2 stage system similar to the system operated by the Benefits Agency. The first stage would involve re-examining the application form and supporting documentation; the second stage would involve a panel interview. The panel could consist of representatives from the Local Authority Department responsible for administration, a professional person with assessing eligibility responsibility and a designated medical officer, with the applicant having right to independent representation.

2.7 RENEWAL PROCESS

2.7.1 Within North Lanarkshire Council, each time a person makes an application for a badge it is treated as a fresh application. Thus the person is required to present supporting documentation which is relevant and up to date. We recommend that this policy is continued.

2.7.2 For applicants applying under the discretionary criteria, we recommend that the previous supporting documentation and assessment report is examined as part of the new assessment process.

2.7.3 North Lanarkshire Council currently collects out of date badges and in the main receives a high proportion of them. We recommend continuing with this practice.

2.7.4 We fully support the idea of issuing reminding letters, indeed this is something applicants have asked for. However, our present administrative and IT system does not allow us to pursue this. There are other IT systems which would facilitate such a practice by having the ability to automatically generate letters once certain criteria have been logged by the system (eg. this is common in many banks, North Lanarkshire Councils' Community Equipment IT Stock Control system has such a facility).

2.7.5 We endorse the development of a standard database.

2.8 DUPLICATE BADGES

2.8.1 North Lanarkshire Council currently deal with lost or stolen badges in the following manner:

2.8.2 **STOLEN/LOST BADGES:** the badge holder is required to complete a request form for a duplicate badge. They must submit a crime number at this time. A period of 4 weeks must elapse from the date of issue of the crime number prior to the duplicate badge being issued.

2.8.3 **BADGES LOST IN THE POST:** the badge holder is required to complete the appropriate form for a duplicate badge. They must submit the appropriate lost mail form from the Post Office at this time. A period of 4 weeks must elapse from the date on the lost mail form prior to the duplicate badge being issued.

2.8.4 The duplicate badge is assigned a new number, which is written as narrative in the original record of the badge.

2.8.5 We recommend continuing with this or a similar system.

2.9 **TEMPORARY BADGES**

We currently do not operate a temporary badge system and would not be in favour of doing so as it opens the system to potential abuse. We recommend that temporary badges are not issued.

2.10 **INSTITUTIONAL BADGES**

2.10.1 North Lanarkshire Council (NLC) currently issues Institutional badges to organisations where at least 50% of their members meet the criteria to hold a badge.

2.10.2 As social care moves away from institutional care to a more individualised form of care, we recommend that the Institutional Badge is abolished and would encourage people to apply for a badge in their own right.

2.11 **CONCESSIONS**

2.11.1 We recommend that there should be no local agreements for concessions as we agree that they undermine the value of the badge.

2.11.2 We recommend that the four London boroughs should enjoy the same exemptions as the rest of the country, and that it is discriminatory not to do so.

2.11.3 Length of time: We recommend that the existing arrangements for Scotland remain ie. that there is no limit on the length of time for waiting on single and double yellow lines. We further recommend that, in order to ensure consistency, this arrangement is applied throughout the rest of the UK.

2.12 **ENFORCEMENT**

2.12.1 We recommend the following measures for enforcing the parameters of the Scheme and dealing with episodes of abuse/misuse:

2.12.2 **BADGE HOLDERS:** we recommend retaining the current system of removing a badge after 3 instances of misuse. We recommend setting a time limit before the badge is returned, for example - 6 months, 1 year.

2.12.3 **OUT OF DATE BADGES:** as earlier stated we support the recall of out of date badges but recognise that this requires a sophisticated IT system to operate.

2.12.4 **NON DISABLED PEOPLE USING DISABLED PARKING SPACES:**

- i. We recommend that on public highways police officers and traffic wardens can impose a fine for parking in a designated disabled parking bay without displaying a current Blue Badge.
- ii. We recommend that in car parks owned by Local Authorities where an order is in place and payment is required for parking, a fine can be imposed for unauthorised use.
- iii. We recommend that in private car parks (for example owned by supermarkets) the car park owner use publicity to apply pressure to car park users misusing designated disabled parking bays such as : car park attendants rigorously asking non badge holders to move if they park in designated bays; applying a notice to the body of the car (eg windscreen) informing the car owner that they have parked inappropriately; operating an automatic loud speaker system when someone drives into such a parking bay (eg. one local supermarket operates such a scheme which asks if the car driver is disabled and really needs to use the parking bay).

2.13 WIDER CHECKING OF BADGES

2.13.1 We recommend that the personnel who check the validity of Blue Badges is widened to include police officers, traffic wardens and car park attendants, all of whom could issue penalties accordingly.

2.13.2 We do recommend that the Badge Holders' photograph, name and signature is kept on the back of the badge for confidentiality and safety reasons.

2.14 ISSUING PENALTY NOTICES

We agree with the DPTAC recommendation that disabled people who park illegally should be issued with penalty notices in line with the general population.

2.15 HARSHER PENALTIES FOR ABUSE

We endorse the DPTAC recommendation in dealing with people who use badges illegally.

2.16 ABUSE BY BADGE HOLDERS

We support the call for guidance to local authorities on regulations and removal of a badge. We recommend that badges should be withdrawn in all cases where misuse has occurred.

2.17 ABUSE BY NON-DISABLED PEOPLE

We recommend that non-disabled people found using a Blue Badge should be issued with a fixed penalty, but we would not support the addition of points to the persons' driving license.

2.18 PROVIDING INFORMATION ABOUT THE SCHEME

2.18.1 Information about the Scheme should be available in a variety of formats and languages.

2.18.2 The information should be widely available in libraries, health centres, leisure centres etc.

2.18.3 Local Authorities should make full use of their current information systems, for example Local Authority Websites.