

North Somerset Council

REPORT TO THE ADULT SERVICES AND HOUSING POLICY AND SCRUTINY PANEL

DATE OF MEETING: 27TH JUNE 2019

SUBJECT OF REPORT: BLUE BADGES (DISABLED PARKING) SCHEME

TOWN OR PARISH:

OFFICER/MEMBER PRESENTING: SARAH SHAW

KEY DECISION: YES – ADDITIONAL RESOURCING FOR IMPLEMENTATION

RECOMMENDATIONS

That the committee receives the information and considers the implications for the Council and its residents including:

- The need for additional resource to effectively administer and implement the new national guidance.
- The impact on parking and enforcement.
- The requirement for a more robust fraud offer to help enforce the scheme.

1. SUMMARY OF REPORT

The Blue Badge (Disabled Parking) scheme has been operating since 1970. The scheme enables 2.4 million disabled people in England to maintain their independence through special national parking concessions. The scheme is currently focussed on significantly limited *physical* mobility.

On 21 January 2018 the Department for Transport (DfT) launched a public consultation in relation to the eligibility criteria for the scheme. The consultation ran for 8 weeks ending on 18 March 2018. The outcome of the consultation has resulted in Government commitment to extend the eligibility for the scheme to include people with 'hidden disabilities'.

The new national guidance was due to be issued at the end of May 19 with the proposed Local Authority implementation date set for 31 Aug 2019. As at the time of writing, National Guidance has yet to be disseminated to Local Authorities.

This paper provides an outline of the consultation and anticipated changes together with the considered impact for North Somerset Council. Further investment in Blue Badges services and assessment will be required to meet anticipated demand.

2. POLICY

Nil. National Guidance.

3. DETAILS

The Blue Badge (Disabled Parking) scheme has been operating since 1970. The scheme enables 2.4 million disabled people in England to maintain their independence through special national parking concessions. The scheme is currently focussed on significantly limited *physical* mobility.

On 21 January 2018 the Department for Transport (DfT) launched a public consultation in relation to the eligibility criteria for the scheme. The consultation ran for 8 weeks ending on 18 March 2018. The outcome of the consultation has resulted in Government commitment to extend the eligibility for the scheme to include people with ‘hidden disabilities’.

Outline of the National Consultation

Eligibility under the current Blue Badge scheme is primarily aimed at those who have “*a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking*”. The full, current, national criteria are at Appendix 1.

Although the DfT considers that people with non-physical disabilities are not excluded from receiving a Blue Badge, the wording in the current regulations reflect on the difficulties *with* walking rather than challenges *when* walking; which could include safety risks arising from non-physical disabilities.

The national consultation was seeking to ‘*ensure that those with the greatest needs have access to a Blue Badge*’ and states:

“The Government wants to ensure that the rules and guidance are clear. It wants to give parity of esteem to mental and physical health conditions. It wants a scheme that is sustainable and works for all who are eligible for it, whatever their disability. It wants it to be fair, consistent, inclusive and non-discriminatory.”

To achieve this, the changes proposed in the consultation included:

“a person who has an enduring and substantial disability the effect of which is that that person is unable to-

- walk;*
- undertake any journey without it causing very considerable difficulty when walking;*
- undertake any journey without there being a risk of very considerable harm to the health or safety of that person or any other person;*

- *follow the route of any journey without another person, assistance animal or orientation aid.”*

It was also proposed that Local Authorities should use an *eligibility* assessor, rather than an Independent Mobility Assessor presently used, where eligibility for a badge is not evident from the application. This would allow (and require) involvement of a wider range of health care professionals with specialist knowledge, including: mental health, cognitive or learning disabilities.

The consultation also sought views on providing automatic badge eligibility to people in receipt of 12 points for the ‘Planning and Following Journeys’ activity of Personal Independence Payment. This includes people who cannot follow the route of a familiar journey without another person.

There were over 6000 responses to the consultation. 89% of the respondents were in favour of the proposals to amend the eligibility criteria in line with the proposals. Concerns were raised about administration costs for local authorities, the impact on parking, and abuse of badges and clarification of certain terms was requested, with clear guidance to enable a consistent national approach to the scheme.

Outline of Anticipated Changes

Following the consultation, the DfT produced its response outlining the direction for the scheme. The Disabled Persons (Badges for motor vehicles) (England) (Amendment) regulations 2019 are now published on Gov.uk website at <http://www.legislation.gov.uk/ukxi/2019/891/contents/made>

The emphasis on very considerable difficulty *when* walking as opposed to just *with* walking was upheld. This new emphasis will provide clarity that people will qualify for a Blue Badge not just because of a physical difficulty in walking but for non-physical reasons that might make it as difficult moving between vehicle and destination despite being able to walk.

Eligibility will also include where there is a risk of serious harm to the health or safety of that person when moving near roads i.e. children with autism. The criteria will also cover situations where people suffer ‘very considerable psychological distress’, or have a risk of very considerable harm to their health or safety (including people with dementia. Where the applicant would not go out alone and the presence of another person negates the issues, a badge would not be issued.

The consultation response makes it clear:

‘The primary aim of the scheme is to give disabled people who rely on car travel but face particular challenges in getting from the car to their destination, the ability to park close-by. The Department believes the badge should directly benefit the individual; to ensure the sustainability of the scheme we do not believe badges should be awarded in situations where the carer is effectively the beneficiary.’

DfT amended its proposal around automatic eligibility under PIP to:

*‘people who score **10 points** under the ‘Planning and following journeys’ activity of Personal Independence Payment (PIP) because they **cannot undertake any journey without overwhelming psychological distress to the claimant.**’*

The consultation outcome also requires changes to the current independent mobility assessor in that the assessor should become an eligibility assessor rather than a mobility assessor. The requirement for an independent assessor has been removed, but local authority (LA) may use an independent eligibility assessor where appropriate. The DfT states this will allow LAs the flexibility to choose who they recognise as being suitable to provide an expert opinion. The assessor will be required to have relevant qualifications and experience to be able to assess whether the applicant has an enduring and substantial disability within the meaning set out in the regulations.

Clarity has been requested on a number of aspects including the meaning of “walk”, “journey” and “enduring” amongst others. The DfT has promised to define what these mean in the new guidance.

The summary of the consultation outcomes is at Appendix 2

Potential impact of change

There are several aspects which require consideration for the implementation of the new guidance. It is estimated there will be impact on the current services in terms of demand for administration and assessment functions, review of processes and responding to complaints together with issues around the availability of parking spaces for an increased number of users.

Administration

The administration of the Blue Badge scheme was outsourced a number of years ago and is now run by Agilisys. The service addresses day to day tasks responding to applications, referring to NSC occupational therapists for appeal assessment clinics and addressing stage 1 complaints.

A new national database and Blue Badge ordering system was successfully implemented in February 2019. This has simplified the experience for the applicant and the administrative staff, providing a complete online offer where previously people were sending in documentation and cheques for payment with resulting delays and issues with documents going missing. People can now upload documents, take a photo and pay online, completing the application ready for electronic administration by the Blue Badge Team.

For those people who do not have home access to the internet, a system for booking an appointment is available for help in one of the NSC libraries. Some people do still request paper applications, but this demand is diminishing. There is a remaining question about whether NSC Blue Badge scheme should become solely accessible online; as many others are.

It is anticipated that the criteria changes will bring increased demand for processing applications – albeit enabled by a more efficient electronic system. With additional issuing of badges there is also an anticipated additional cost in the production of blue badges to NSC.

An additional 2360 *applications* per year are anticipated. This is a 49% increase in application activity, resulting in anticipated additional 1285 badges per year; 27% increase in issuing activity. Additional challenge is also expected leading to more appeals, assessment clinics and complaint activity.

The workings based on demographics and an estimate of demand, with assumptions are included at Appendix 3.

Assessment of Eligibility

One of the most challenging areas will be the determination of eligibility under the new criteria.

A training session has been arranged for July for all potential assessment staff and for some administrative staff to attend; to familiarise them with the new criteria.

Given the anticipated guidance for a wider eligibility assessment, NSC is exploring the options to support this. Prior to NSC Occupational Therapists being used, NSC employed a retired GP to undertake independent assessments at significant additional cost to NSC. NSC is currently reviewing the scope of the Occupational Therapy role in supporting the assessment function. An increased demand is expected and this will require resourcing, together with a need for specialist advice on autism and mental health issues.

NSC Occupational Therapists could be used to support the administrative staff, to guide them in asking pertinent questions of specialists already involved in the care and support of the applicant. The Occupational Therapist can assist to determine eligibility based on information of functional limitations provided. There is a risk - which had been addressed by using an independent assessor previously – that the specialists involved in the applicant's case will err on the side of 'eligible' for the scheme. Administrators will not be best placed to challenge medical assertions but Occupational Therapists would be.

A new assessment format will be required and it is hoped the national guidance will assist in the direction of this development to support a consistent, national approach in applying the criteria.

Workings for additional cost to the scheme are included at Appendix 3.

Parking, Enforcement and Fraud

Concern has been raised regarding the availability of parking spaces for the increased number of badge holders. Based on the assumptions at Appendix 3, it is anticipated there will be an additional 10% of badges held at any one time in North Somerset (Total 13,200). In addition, other issuing authorities will also experience an

increase in demand. Blue Badge use is not restricted to the area of the LA in which it was issued but can be used nationwide; the increased demand will be felt across LA areas.

It is understood there will be no additional national funding for accommodating increased disabled parking in LA areas.

Some local NSC parking schemes provide additional concessions to Blue Badge holders i.e. additional time free of charge. If there is an increase in Blue Badge use this could impact negatively on the revenue from the parking schemes. In some instances, a Blue Badge allows the user park for as long as they want, free or charge, in an on-street pay and display bay. Many streets currently become parking for Blue Badge only as a result. The Council could amend and add limits to parking concessions. This would help the paying public and give the shops a greater footfall but would limit benefits for the increasing number of Blue Badge holders.

If we were to apply activity pro rata, we would anticipate a 10% increase in misuse. Currently 12,000 Blue Badges are in use in North Somerset and last year NSC seized around 120 and prosecuted around 30 at court. There could also be an increase in parking issues with safe on street parking at a premium, requiring additional parking enforcement. Parking enforcement is supported by the NSC Parking Services.

There will be a need for increased, robust fraud investigation. Enforcement addresses misuse but there is limited investment for investigation of fraudulent applications. Concerns are currently received from residents regarding neighbours and/or other members of the public, appearing not to need a Blue Badge due to limited mobility. Scrutiny of the application and independent assessment of some cases where there is doubt, help to ensure appropriate issuing of badges. However, this approach does not address fraudulent claims on the application forms. It is vital that NSC secures an effective fraud investigation offer to reassure the general public that the scheme is well managed. This will also help to avoid members of the public adopting a 'vigilante' approach against people not appearing to be eligible; including against those with hidden disabilities under the new guidance. This warrants further exploration.

4. CONSULTATION

National consultation only, as detailed above.

5. FINANCIAL IMPLICATIONS

The estimated costs of implementing the change are shown below. Full workings are included at Appendix 3. It is anticipated there will be a surge 2019/2020 and a subsequent surge in three years when the Badges issued expire and require renewal. The costings are a rough estimate based on assumptions given. The actual expected demand is an unknown and will be influenced by national media announcements, people's awareness, level of local need and the details in the national guidance.

Costs

Administration:

Additional administrative support costs for application processing for eligibility determination: 2360 x £4.32 = **£10,203**

Anticipated cost of blue badge production for new demand – Autism 315 issued, MH 970 issued @ £4.60 (blue badge admin) **£5,911**

Assessment

Additional cost of professional desk-topping and assessment support = **£23, 300**

Funding

Training costs are currently supported by Adult Support and Safeguarding. No funding has currently been identified for additional costs.

6. LEGAL POWERS AND IMPLICATIONS

There is a requirement for NSC to adhere to its duties under the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2019 and to operate within the scope of the national guidance. The regulations come in force on 30th August 2019. The national guidance is awaited.

7. RISK MANAGEMENT

Potential risk from insufficient capacity and knowledge to respond to the increased number of applications leading to delays, increased complaints, and reputational harm for NSC. Risks mitigated by seeking additional resource to support administration, assessment and provision of training around new regulations.

Risk of increased fraudulent applications and misuse leading to complaints, increase tension for the public and Blue Badge users and reputational harm for NSC. Risks to be mitigated through a robust fraud and enforcement provision.

8. EQUALITY IMPLICATIONS

No. The explanatory note supporting the regulations states:

‘An Impact Assessment has not been prepared for this instrument as no impact, or no significant impact, on the private or voluntary sectors is foreseen. Instead a De Minimis assessment has been prepared as this instrument is likely to incur some cost to local authorities, although this cannot be accurately predicted at this stage.’

9. CORPORATE IMPLICATIONS

There will be a requirement for corporate support to address to the following issues:

- Increased demand supported through the contract for services with Agilisys.
- Impact on parking across North Somerset.
- Financial impact on parking revenue.
- Complaints re: availability of parking

- Managing fraud.

10. OPTIONS CONSIDERED

Administrative support:

The service is administrated by Agilisys and as such they would be the preferred provider for increased support.

Assessment support: Use of External Assessors.

All assessors will be required to train to the new regulations and adhere to new guidance. External assessors will have no additional experience compared to NSC existing Occupational Therapy staff. Locum agencies and consultation agencies charge premium rates. The cost of in-house provision will be cheaper, more flexible and able to respond swiftly to demand.

There may be requirement to consult with specialist advisers on specific cases i.e. mental health issues. Where possible the NSC occupational Therapists will lead the assessment and investigation into existing specialist reports for individuals. External specialist support will only be commissioned when there is a case of additional complexity warranting further in-depth assessment.

AUTHOR

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BACKGROUND PAPERS

Appendix 1 Extract current eligibility criteria

<https://www.bluebadgecompany.co.uk/blue-badge-criteria>

Appendix 2 Extract DfT, (2018) Consultation Response Document: Blue Badge Consultation: Summary of Responses and Government Response

<https://www.gov.uk/government/consultations/blue-badge-disabled-parking-scheme-eligibility-review>

Appendix 3 Workings for anticipated increase in costs of Blue Badge Changes.
S Shaw Sep 18

Blue Badge Criteria

If you're disabled or have a health condition that affects your mobility, you can apply for a Blue Badge

Some people can get a blue badge automatically. This is called being eligible without further assessment. You fit into this group if one or more of the following applies to you:

- you are registered as blind/severely sight impaired
- you receive the War Pensioners' Mobility Supplement
- you receive the higher rate of the mobility component of Disability Living Allowance (DLA)
- you receive the mobility component of Personal Independence Payment (PIP) for being unable to walk further than 50 metres and scored at least 8 points in relation to the 'moving around' activity in the PIP assessment.
- you have been awarded a lump sum benefit from the Armed Forces Compensation scheme (tariffs 1 to 8). You have also been certified as having a permanent and substantial disability which means you can't walk or find walking very difficult
- you receive a government grant towards your own vehicle.

If you were on higher rate mobility component of DLA, but you had to claim PIP instead and didn't get enough points to be eligible for a blue badge, you can continue to use your badge until it expires.

If none of these apply to you, you may still be eligible. This is called being **eligible subject to further assessment**, and will apply to you if you meet one of these criteria:

- you have a permanent or substantial disability which means you can't walk or find walking very difficult
- you are a driver and have severe upper limb disabilities
- you are applying on behalf of a child over two with a permanent or substantial disability which means they can't walk or find walking very difficult
- you are applying on behalf of a child under three with a medical condition that requires them to be close to a vehicle for emergency medical treatment or transporting bulky medical equipment.

How are you assessed?

If you are eligible subject to further assessment, your local authority will look at the evidence of your disability to decide whether you can have a blue badge.

You may need to have an **independent mobility assessment**. If you have applied for or held a blue badge previously, your GP may have carried this out. Assessments may now be carried out by an independent mobility assessor. This is usually a medical professional such as occupational therapist or physiotherapist, who has never treated you before.

If your local authority wants you to have a mobility assessment, it will refer you to the assessor. You will not be charged for the assessment.

You may not be required to undergo an assessment if your council says it is very obvious that you are eligible or ineligible.

How is walking ability assessed?

You will generally only be able to get a blue badge if you can walk only with great difficulty, and at an extremely slow pace or with excessive pain. No other factors, such as how difficult you find it to carry objects, will be taken into account.

Your difficulties must be permanent and not temporary. For example, if you have a broken leg, you can't apply for a blue badge.

How are upper limb abilities assessed?

If you have severe upper limb disabilities, you are eligible for a blue badge if you:

- drive a vehicle regularly
- you have a severe disability in both arms
- you are unable or would find it very difficult to use a parking meter.

You are not eligible for a blue badge if you have severe upper limb disabilities and only travel as a passenger.

Local authorities treat applications from people with severe upper limb disabilities as a special case. This means that before making a decision, they might:

- interview you
- inspect your vehicle
- check your insurance documents which state that you drive an adapted vehicle.

<https://www.bluebadgecompany.co.uk/blue-badge-criteria>

**Extract -
DfT, (2018) Consultation Response Document: Blue Badge
Consultation: Summary of Responses and Government
Response**

The Government has considered the responses to the consultation and has decided to proceed with the following:

- A new eligibility criterion for people who have an **enduring and substantial disability** the effect of which is that that person is **unable to walk or undertake a journey without** it causing **very considerable difficulty when walking**.
- A new eligibility criterion for people who have an **enduring and substantial disability** the effect of which is that that person is **unable to undertake a journey without** there being a **reasonably foreseeable risk of serious harm** to the **health and safety of that person or any other person**.
- A new eligibility criterion for people who have an **enduring and substantial disability** the effect of which is that that person is **unable to undertake a journey without** it causing **very considerable psychological distress to that person**.
- A new eligibility criterion for people who score **10 points under the planning and following journeys activity of Personal Independence Payment** by virtue of being unable to undertake any journey because it would cause **overwhelming psychological distress** to the claimant.
- Replacing the role of Independent Mobility Assessor with an **eligibility assessor** as described above and in the consultation document.

Workings for anticipated increase in costs of Blue Badge Changes

Current position:

Activity

Current number of blue badges issued in NS – **12, 235**

Current number of individual blue badge holders – **12,013**

Current number of organisational blue badges issued in NS - **222**

Current monthly activity for blue badges – **approximately 400 applications processed**

Anticipated position (*workings below*)

Anticipate additional 2360 applications per year – **49% increase in application activity.**

Anticipate additional 1285 badges per year – **27% increase in issuing activity**

Expected additional challenge, appeals clinics and complaint activity.

Anticipate **10% increase in individual badges in use** - **may also see some increase in organisational requests.

Staffing

Current OT staffing for desk-topping and face to face appeals assessments (kept low by decision pre-face to face assessment process in place) - supported by OT in SPA circa .2fte per week.

System costs

Current support services cost - **£4.32 per badge**

Current cost per blue badge issues by Northgate - **£ 4.60**

Current demographics:

NS residents with:

- **children with disabilities**

Description	Number in N Somerset	Data Source / Date	Notes
Disabled Children	818	Number of children on the disabled children's register 2018	Some possible data issues

We have about 212 children and young people receiving a service from Disabled Children's Team but no figures on the percentage with Autism.

DCT have a 'Network Form' which is sent out to parents (a voluntary Disability Register) - this is being reviewed and current figures are not entirely accurate - we have 56 young people on the register who either have Autism/ADHD or both; the total number of young people on the register at this time is 147. However, these children may not be receiving a service from DCT as not all will meet our criteria.

- **autism diagnosis**

Description	Number in N Somerset	Data Source / Date	Notes
Adults with Autism / Aspergers as a Health Feature on AIS	97	Business Objects Report run 06/09/2018 with Autism as an open category	
Children with SEN (EHCP and Statements) who have a primary need listed as ASD or ASP	227	08/08/2016 SEND list	
All Children on SEND list with a primary need listed as ASD or ASP	351	08/08/2016 SEND list	includes the 227 above
Children with SEN (EHCP and Statements) who have a primary need listed as SPLD MLD SLD	233	08/08/2016 SEND list	
All Children on SEND list with a primary need listed as SPLD MLD SLD	1433	08/08/2016 SEND list	Includes the 233 above

‘**JSNA Children and Young People: Emotional Wellbeing and Mental Health**’ written by Kate Wilcox, 2016:

Pages 31-33 in report (link below) indicate that in 2014 there were around 340-460 children of all ages with recognised Autistic Spectrum Disorders in North Somerset. However, SEN figures for 2015 indicate 197 children as having ASD identified as the ‘primary need’.

<https://www.n-somerset.gov.uk/wp-content/uploads/2016/09/emotional-wellbeing-and-mental-health.pdf>

*“The estimated total for children aged 5-10 years is 260. There were 29,308 pupils enrolled in North Somerset mainstream schools in January 2015; this would approximate to **340-460 children of all ages** on the autistic spectrum in North Somerset schools using the 1:116 or 157:10,000 ratios.*

*In the 2015 DfE Tables for Special Educational Needs, the total number of children and young people in North Somerset with **Autistic Spectrum Disorder identified as the ‘Primary Need’ was given as 197**. There may be other children with another primary need who are also on the autistic spectrum.”*

It is suggested that the figure of 197 (227 in table) will be the children more complex/challenging needs and therefore more likely to meet the criteria for Blue Badge. That leaves another 200 – 250: some will not meet the criteria (e.g. children and young people with Asperger Syndrome that are cognitively able and are unlikely to apply for a Blue Badge) but there will be a group that will potentially need an assessment to establish if they meet the criteria.

- **diagnosis of depression/anxiety**

Description	Number in N Somerset	Data Source / Date	Notes
Depression recorded prevalence (QOF): % of patients on GP practice registers recorded as having depression (aged 18+)	19401	patients aged 18 and over with depression as recorded on practice disease registers 2016/17	https://fingertips.phe.org.uk/profile-group/mental-health

- **learning disabilities**

Description	Number in N Somerset	Data Source / Date	Notes
Adults with LD	732	Business Objects Report 01/08/2018 counting people on AIS with open involvements of either health or social care LD team (scorecards data)	Taken from CTPLD score cards data spreadsheet

- **physical disabilities**

Description	Number in N Somerset	Data Source / Date	Notes
Estimated prevalence of physical disability: estimated percentage of population aged 16-64 with a moderate or serious physical disability	14799	2012 Estimates Public Health Data	https://fingertips.phe.org.uk/profile-group/mental-health

Projected costs (based on significant assumptions given):

1. Anticipated increased activity: applications – **2360** (Autism 420 applications, MH 1940 applications (10%))

Additional administrative support costs for application processing for eligibility determination: 2360 x £4.32 = **£10,203**

2. Anticipated cost of blue badge production for new demand – Autism 315 issued, MH 970 issued @ £4.60 (blue badge admin) **£5,911**

3. Additional cost of professional desk-topping and assessment support = **£23, 300**. Estimate

Total Estimated cost = £39,414

Notes and assumptions:

1. Expect national awareness campaigns and significant take up. Anticipate an increase in ineligible applicants ‘testing’ the new guidance and therefore increased appeals, need for specialist clinics and challenge/complaints. To maintain current process of face to face assessment only for appeal with onus on applicant to demonstrate eligibility in the application process.

- by families for children and adults with autism/behavioural difficulties (applications assume 120% of local need apply = eligible for issue assume circa 90% of local need) – Estimate additional 420 applications with 315 issued (estimate 100 adults and 250 children eligible plus circa 70 applications to test eligibility of new criteria)

- by people with anxiety/agoraphobia/depression/mental health issues (assumption of 10% of local need apply with 5% take up as not all will be able to demonstrate 'very considerable psychological distress' or 'have very considerable difficulty when walking' as a result of walking distances and may also not be sufficiently motivated to apply).
- Separate figures for anxiety/agoraphobia not known. Depression prevalence: 19401. 10% for applications = 1940, 5% eligible = 970

² Additional support staff required to process applications and additional cost of new National system offset by efficiencies of improved fully electronic national system. Anticipate an increase in communication required, challenge and appeals (assumption 15% of all applicants)

³ **Additional independent assessment** required for desk-topping, clinics and appeals – assumption 10% of all applicants as criteria 'bed-in'. Assuming in house OT for children with autism and physical disability – estimate .5FTE an increase in .3FTE (children's and adults) @JM1 mid grade = £10,300. May need specialist psychological input for mental health needs or OT liaison with known specialists = £10,000. Plus training in new guidance criteria. Staff training costs in new guidance circa £3000. Estimate £23, 300.

Please note:

There may be further efficiencies with the new electronic national system - rolled out 2019.

There may be some additional cost for the new system and electronic payment and notification systems – but these could provide administrative efficiencies which would help deal with additional demand.

S Shaw

Sep 2018