

Staffordshire County Council

Blue Badge Policy

1. Purpose of the document

1.1 The purpose of this document is to set out Staffordshire County Council's Blue Badge policy following national changes to the Blue Badge (Disabled Parking) Scheme and describe the local implementation of these arrangements. This document aligns Staffordshire County Council policy with national guidelines published in August 2019.

The guidance can be accessed here:
<https://www.gov.uk/government/publications/the-blue-badge-scheme-local-authority-guidance-england/blue-badge>

2. Overview

2.1 The Blue Badge (Disabled Person's Parking) Scheme was introduced in 1971 under Section 21 of the Chronically Sick and Disabled Persons Act 1970 ('the 1970 Act').

2.2 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. The scheme is open to eligible disabled people irrespective of whether they are travelling as a driver or passenger.

2.3 From 30 August 2019, the scheme was extended to include people with nonvisible ("hidden") disabilities.

2.4 The Blue Badge scheme provides a range of parking concessions for people with severe mobility problems. The scheme operates throughout the UK and is recognised within the European Union.

2.5 The Department for Transport (DfT) is responsible for the legislation that sets out the framework for the Blue Badge scheme and issues non-statutory guidance in order to share good practice.

- 2.6 The DfT cannot intervene in the case of individual applications or eligibility decisions.
- 2.7 Local Authorities are responsible for the day-to-day administration of the scheme. It is the responsibility of Staffordshire County Council to ensure that badges are only issued to residents who satisfy one or more of the eligibility criteria set out in the legislation that governs the scheme. Under no circumstances should anyone who does not satisfy at least one of the criteria receive a badge.

3. Eligibility

- 3.1 The Blue Badge Scheme has two types of eligibility criteria: 'without further assessment' (previously known as 'Automatic') and 'subject to further assessment' (previously known as 'Discretionary').
- 3.2 'Without further assessment' (previously known as 'Automatic')

In order to qualify for a Blue Badge automatically, an application must meet one or more of the following criteria, where the applicant is more than two years old:

- Receives the Higher Rate of the Mobility Component of the Disability Living Allowance (HRMCDLA).
- Receives the mobility component of Personal Independence Payment (PIP) and has obtained 8 points or more under the "moving around" activity.
- Receives the mobility component of PIP and has obtained 10 points specifically for Descriptor E under the "planning and following journeys" activity, on the grounds that they are unable to undertake any journey because it would cause them overwhelming psychological distress
- Is registered blind (severely sight impaired).
- Receives a War Pensioner's Mobility Supplement (WPMS).
- Has been both awarded a lump sum benefit at tariffs 1-8 of the Armed Forces Compensation Scheme and certified as having a permanent and

substantial disability which causes inability to walk or very considerable difficulty in walking.

3.3 'Subject to further assessment' (previously known as 'Discretionary')

An applicant may qualify for a badge after further assessment where the applicant is more than two years old and may be described as one or more of the following:

- A person who drives a vehicle regularly, has severe disability of both arms and is unable to operate, or has considerable difficulty in operation, all or some types of parking meter;

or

- A person who has been certified by an expert assessor as having an enduring and substantial disability and one of the following:
 - Are unable to walk or experience very considerable difficulty whilst walking, which may include very considerable psychological distress.
 - At risk of serious harm when walking; or pose, when walking, a risk of serious harm to any other person.

3.4 In all cases, entitlement depends on the applicant's difficulty when walking as part of a journey, and considerations such as difficulty in carrying parcels, opening car doors and width of parking spaces are not considered.

3.5 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.

3.6 The disability experienced by the applicant must endure for at least three years and therefore excludes temporary limitations of mobility, such as a broken leg.

3.7 In addition, children under the age of three may be eligible for a badge if they fall within one or both of the following descriptions:

- A child who, on account of a condition, must always be accompanied by bulky medical equipment which cannot be carried around with the child without great difficulty.

- A child who, on account of a condition, must always be kept near a motor vehicle so that, if necessary, treatment for that condition can be given in the vehicle or the child can be taken quickly in the vehicle to a place where such treatment can be given.

3.8 Non-visible (hidden) disability

The blue badge criteria changed on 30 August 2019 and was extended to include people who have a non-visible disability and who meets one or more of the following criteria:

- cannot undertake a journey without there being a risk of serious harm to their health or safety or that of any other person.
- cannot undertake a journey without it causing them very considerable psychological distress.
- have very considerable difficulty when walking (both the physical act and experience of walking).

4 Desk Based Assessments

- 4.1 Applicants who may be eligible under further assessment criteria will have a desktop assessment by a member of Staffordshire County Councils Blue Badge team. A successful desk-based assessment relies heavily on the questions in the Blue Badge application form delivering the right level of information about the applicant, their disability, any medical conditions they experience and their ability to walk during the course of a journey.
- 4.2 The Council's desk based assessment tool has been developed with expert insight and feedback from Access Independent and other councils as part of our benchmarking membership.
- 4.3 As well as considering the information provided in the application, the Council may cross check local authority records as a means of providing further detail about the likely nature of the applicant condition.
- 4.4 The purpose of the desk-based assessment is to determine if an applicant is eligible for a Blue Badge. Where it is not clear, the applicant may be contacted to provide further information, or they may be referred to an

expert assessor for a further assessment. See Annex 1 for a copy of the Expert Assessor form.

5 Further Assessment

- 5.1 Applicants who may be eligible under further assessment criteria will have a desk-based assessment by the Blue Badge team.
- 5.2 If a decision cannot be made at the desk-based assessment the applicant can be invited for a mobility assessment, or under hidden disabilities guidance, asked to provide further information. Applicants may be asked to nominate a medical professional known to them to complete and submit the Expert Assessor form before a final decision can be made.
- 5.3 Face to face mobility assessments are carried out by Expert Assessors using assessment criteria set out by the DfT. Before face-to-face mobility assessments are considered the Expert Assessor will consider virtual assessments, information platforms and resources, and only when there is insufficient evidence to inform their decision will request a face-to-face assessment.
- 5.4 These kinds of mobility assessments may be less appropriate for some people with non-visible ('hidden') conditions – who may be able to walk, but who experience, during the course of a journey, another very considerable difficulty whilst walking or pose a risk of serious harm to themselves or others when walking. In these cases a telephone assessment with an Expert Assessor may be deemed more appropriate.
- 5.5 Aside from cases where an applicant is unable to walk; i.e. that they cannot walk during the course of a journey, it should be remembered that "very considerable difficulty whilst walking" and "serious harm" during the course of a journey are **high thresholds** that will be applied to all applicants equally, whether their disability is visible or non-visible ('hidden').
- 5.6 To support the Blue Badge team in gathering the necessary evidence applicant may be asked to complete further questionnaires about their condition. This is to ensure that all aspects of an applicant's conditions can be gathered and considered as part of the decision making. See Annex 2 for a copy of the current questionnaires.

- 5.7 Applicants will receive detailed letters explaining decisions both at desk-based and following in-person mobility assessments in line with DfT guidelines.
- 5.8 The full description of the changes to criteria can be seen on the Department for Transport website under Running a Blue Badge parking scheme
<https://www.gov.uk/government/publications/the-blue-badge-scheme-local-authority-guidance-england>
- 5.9 It is the responsibility of the Council to interpret and apply the above criteria fairly.
- 5.10 Under no circumstances must a badge be issued to an applicant who does not meet one of the eligibility criteria set out in the legislation which governs the scheme. Badges must never be issued to people solely based on their age.
- 5.11 Letters can be provided in different formats as required to ensure accessibility requirements are adhered to.

6 Organisational Blue Badges

- 6.1 An organisational badge may be issued to an organisation for use in a motor vehicle or vehicles when the vehicle or vehicles are to be used to carry disabled people who would themselves be eligible for a badge as specified in Section 4(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 ("the 2000 Regulations").
- 6.2 An 'organisation' is defined in the 2000 Regulations as meaning an organisation concerned with the care of disabled persons to which a disabled person's badge may be issued in accordance with section 21(4) of the Chronically Sick and Disabled Persons Act 1970.
- 6.3 Staffordshire County Council will check whether the organisation in question:
 - Cares for and transports disabled people who would themselves meet one or more of the eligibility criteria for an individual Blue Badge and

- Has a clear need for an organisational badge rather than using the individual Blue Badges of people it is transporting.

6.4 Staffordshire County Council considers that taxi or private hire operators would not be eligible for an organisational Blue Badge as they are not usually responsible for the care of disabled people who would meet one or more of the eligibility criteria for a badge. Such operators are, of course, able to use an individual's Blue Badge when carrying that person as a passenger.

6.5 This same criterion applies to vehicles owned by the council which are used to carry out the functions of a taxi or private hire operator. Applications for badges from organisations caring for disabled people will be examined to ensure that they are genuine and necessary.

6.6 It is for local authorities to make this judgement, based on their local knowledge of the organisation concerned. Common examples of organisations that may be eligible include residential care homes, hospices or local authority social services departments and community transport operators that transport groups of people who would meet the eligibility criteria for an individual Blue Badge.

6.7 In order to help determine eligibility of applications, Staffordshire Council will ask the applicant organisations:

- About the number of qualifying disabled people being cared for.
- About the type of vehicle(s) being used to carry them, whether it is adapted and how.
- Describe the needs of the service users in their care, detailing both mobility and psychological needs.
- Why the organisation feels they need an organisational badge rather than using individual Blue Badges of people in their care.
- How often the badge is likely to be used and for what purpose.

6.8 Organisations must care for a minimum of six eligible people in order to be considered for an organisational badge.

- 6.9 Organisations must have a contract in place to care for their eligible disabled customer for a period of at least three years in order to be considered for an organisational badge.
- 6.10 All employees of the organisation who will be using the badge will be reminded that they must only use the badge for the purposes of transporting disabled people who meet one or more of the eligibility criteria for a badge. These employees will be reminded that if they use the badge to take advantage of the concessions when there are no passengers in the vehicle who are themselves eligible for a badge, they could face a fine of up to £1,000.
- 6.11 The number of badges given to any organisation will be considered on an individual basis and will be dependent on the number of people cared for and registered vehicles.

7 Application Methods

- 7.1 The DfT provides the national online application facility through GOV.UK.
<https://www.gov.uk/apply-blue-badge>
- 7.2 Staffordshire County Councils website features guidance notes to help with the online application process. This can be accessed at:
<https://www.staffordshire.gov.uk/Care-for-all-ages/Blue-badges/home.aspx>
- 7.3 For applicants who cannot reasonably be expected to apply online, telephone applications can be completed by contacting the Customer Service team:
Telephone: 0300 111 8000
- 7.4 Applicants are asked to provide detailed information about their disability and mobility difficulties at the initial application stage. Applicants must answer all questions as fully as possible in order to aid the council's decision-making process.

8 Fees

- 8.1 Staffordshire County Council charges an administration fee of £10 for the issue of Blue Badges. This includes all applications, regardless of whether the applicant has held a Blue Badge previously. The administration fee will be refunded if the application is unsuccessful.
- 8.2 Replacement Badges are also charged an administration fee of £10. This includes lost, stolen or damaged Blue Badges.
- 8.3 All replacement badges will be re-issued with the same expiry date of the stolen, lost or damaged badge.

9 Evidence and Photographs

- 9.1 Applicants must provide any supporting documents required in order for their application to be processed (i.e. to prove identity, residency and eligibility when applying under 'without further assessment' criteria). Applicants should also provide any supporting documents to help support their application when applying under 'subject to further assessment' (e.g. letters and reports from medical specialists).
- 9.2 Customers are advised not to submit original documentation. Staffordshire County Council cannot guarantee that original documentation will be returned to the applicant.
- 9.3 An applicant's residency status will be verified using a document such as:
 - Driving licence
 - Council tax bill
 - Bank statement
 - Benefit award letter from the Department for Work and Pensions (DWP)
 - A letter from a school confirming that a child attends there, if under the age of 16

An applicant's identity will be verified using one of the following documents:

- Passport
- Valid Photo card Driving Licence

- Birth certificate
- Marriage/divorce certificate
- Civic partnership/ dissolution certificate

9.4 Blue Badges include a digitally scanned, passport-style photograph.

9.5 Applicants can upload a digital photograph onto the online application form. People who are unable to access photographs can provide a suitable photograph taken by other means which meets the passport-style standard.

9.6 If an applicant has a valid Staffordshire County Council concessionary travel pass, they can request for the same photograph to be used.

9.7 The only circumstance in which a photograph of the badge holder does not have to be displayed in the badge, is in the case of an eligible disabled person with a terminal illness. If Staffordshire County Council is satisfied that life expectancy of that person is less than six months, then this may be approved.

10 Procedures

10.1 All applications are treated as 'new' applications and are assessed on the same basis regardless of whether the applicant has previously held a Blue Badge unless previously agreed by Expert Assessor as permanent.

10.2 All Blue Badges are processed through the Customer Services Blue Badge team:

- Application received
- Checked to ensure all documentation is valid and correct
- Non automatically eligible applications are sent for desktop assessment
- If approved the requested badge to be printed via Blue Badge Digital Service

10.3 All Blue Badges are printed and posted through DfT's Blue Badge Digital Service. Badges must be sent to the applicants home address.

- 10.4 An application is only considered to be completed once all required supporting documentation, a suitable photograph and an application form has been received by Staffordshire County Council.
- 10.5 The normal period of issue for a Blue Badge is three years, unless entitlement is linked to an automatic qualifying benefit; in which case it will be issued for a period corresponding to the remaining term of this award (up to a maximum of three years). Badges issued to children under the age of three are issued until the child's third birthday.
- 10.6 Staffordshire County Council has a fast-track application process in place for people who have a terminal illness that seriously limits their mobility.
- 10.7 Staffordshire County Council may make use of information from an applicant's GP, Social Care, Educational Health & Care or from other professionals regarding an applicant's condition(s) and treatment(s) as evidence to support the eligibility decision making process.
- 10.8 Individuals must not be in receipt of more than one valid Blue Badge at any time.
- 10.9 Staffordshire County Council reserves the right to refuse, withdraw or re-issue a Blue Badge where abuse or misuse is reasonably suspected.

11 Timescales

- 11.1 The council aims to process Blue Badge applications within 6 to 8 weeks of a completed application and all evidence being received. Applications submitted alongside a DS1500 form are automatically prioritised.
- 11.2 If further information or evidence is requested from the applicant and no response is received from the applicant within 4 weeks, the application will be deemed cancelled and will not be processed any further. If the administration fee has been paid, this will be refunded.
- 11.3 If further information is required from an Expert Assessor or a mobility assessment is required, the timescale is extended to 12 weeks.
- 11.4 Applicants moving to Staffordshire should continue to use their existing badge until it expires and reapply to Staffordshire County Council.

12 Parking

12.1 As long as the badge is physically included in the journey, a vehicle displaying a Blue Badge is allowed to park:

- In on-street disabled parking bays (showing a blue wheelchair symbol).
- On single or double yellow lines for up to three hours. The blue parking clock must show the quarter hour period in the holder arrived and must be displayed alongside the Blue Badge. The Holder must leave a gap of at least one hour before they return to park in the same part of the road. The Holder must not park in places where a ban on loading or unloading is in force, as indicated by kerb markings.
- Free of charge on the public highway at parking meters or pay-and-display bays, unless signs say otherwise
- In disabled spaces in off-street car parks (supermarket, hospital or local authority car parks). The Holder may have to pay for their parking.
- In on-street parking spaces that state a parking time limit – the time limit may not apply to blue badge holders. The Holder must check with signs before parking – if there is a time limit, the Holder must set their blue parking clock to the quarter hour in which they arrived.

12.2 Blue Badge holders are not permitted to park in bays for specified users such as permit holders bays, unless they also have a resident's permit.

12.3 Further information about a Blue Badge holders rights and responsibilities can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1016364/rights-and-responsibilities-easy-read.pdf

13 Returning Badges

13.1 Badges that are no longer required must be returned to: Staffordshire County Council, 2 Staffordshire Place, Stafford, ST16 2DH

- 13.2 If badges for which a replacement has been provided are subsequently found or recovered, the original badge must be returned to Staffordshire County Council so that it can be destroyed.
- 13.3 Damaged badges must also be returned to Staffordshire County Council to be officially destroyed.
- 13.4 When a Blue Badge holder dies, the badge must be immediately returned to Staffordshire County Council as per regulation 9(1) of the 2000 Regulations.

14 Unsuccessful Applications

- 14.1 Under regulation 8 of the 2000 Regulations (as amended by SI 2011/2675), Staffordshire County Council will refuse to issue a Blue Badge if:
 - The applicant holds or has held a badge and misuse has led to a conviction for an offence defined in regulations 2(3) and 2(4).
 - The applicant fails to provide the local authority with adequate evidence of their eligibility, either as an individual or as an eligible organisation.
 - The applicant fails to pay the fee chargeable for the issue of a badge.
 - Staffordshire County Council has reasonable grounds for believing that the applicant (i) is not the person they are claiming to be, or (ii) would permit another person to whom the badge was not issued to use the badge.
 - The applicant fails to provide evidence of residency.
- 14.2 Staffordshire County Council will let the applicant know in writing why their application was refused.

15 Requesting a Review of the Decision

- 15.1 Applicants have the right to request a review of the decision not to issue them with a badge, within 28 days of the date of the decision letter. All requests will normally be dealt with within 28 days of receipt. The request must be made in writing to the Blue Badge Team and must detail:

- Why the applicant feels that the decision is wrong and provide further relevant evidence to support a review of decision.

15.2 The Review of Decision will be made by a senior manager who has not been involved in any of the initial stages of the assessment. They may request one of the following be undertaken as part of the review:

- Face to face/ telephone assessment
- Request additional evidence from Expert Assessors known to the applicant
- Request that the applicant request further evidence from an Expert Assessor known to the applicant
- Contact applicant to discuss application.

15.3 The Review of Decision will require DfT eligibility criteria to be applied against new evidence provided.

15.4 As part of the Review of Decision all paperwork submitted and assessments undertaken as part of the process will be reviewed and taken into consideration.

15.5 If, following a request for review, the applicant's application for a blue badge remains unsuccessful this decision will be final. The applicant will be written to and a detailed explanation given for the decision.

15.6 If, following a request for review, an applicant is still not determined as eligible, they can contact the Local Government and Social Care Ombudsman (LGSCO). The LGO does not have the power to overturn decisions, only to investigate the process. Eligibility decisions can only be made by the relevant officer. Elected members may wish to support individuals in their applications, reviews or appeals, but there is no scope for elected members to be part of the formal decision-making process

15.7 No further application can be made for a period of three months following the final decision unless the individual's circumstances change significantly during that time period.

16 Complaints

16.1 The Staffordshire County Council Customer Feedback & Complaints team do not have the power to overturn decisions, however they can investigate if an applicant has a complaint regarding the administration, processes or customer service of the Blue Badge Team. This is separate to the Review of Decision. Applicants can submit a complaint, details of which can be found online at:

<https://www.staffordshire.gov.uk/Contact-compliments-and-complaints/complimentscommentscomplaints/Complaints.aspx>

16.2 In addition to the council's own procedure, if the customer feels that they have suffered an injustice because of maladministration, the Local Government Ombudsman may investigate. Details of which can be found online at <http://www.lgo.org.uk/>

17 Fraud

17.1 Blue Badge fraud usually takes two forms. This is either the misuse of valid badges by friends and family members not permitted to use the badge, or by drivers using lost, stolen or counterfeit badges. In all instances, the illegal use of Blue Badges constitutes a criminal offence. Staffordshire County Council are determined to stamp out Blue Badge fraud and will aim to prosecute abusers. A successful prosecution will result in a criminal record and a hefty fine (which could be over £1000).

17.2 Suspected Blue Badge fraud must be reported to the Staffordshire Counter Fraud Partnership, who since 2019 have combined resources, aimed at tackling fraud across local authority boundaries. All reports will be treated with confidence. Fraud can be reported in one of the following ways.

Telephone on 0800 854 440

Email: fraud@staffordshire.gov.uk

Report fraud online: <https://www.stoke.gov.uk/fraud>