

Notice of Meeting

Overview and Scrutiny Commission

Councillor Angell (Chair), Councillor Virgo (Vice-Chair),
Councillors Mrs Birch, Brossard, Gbadebo, Mrs McKenzie-Boyle,
McLean, Mrs Mattick, Mossom, Porter, Temperton and Tullett
Tracey Wright, Parent Governor representative
Mark Glanville, Parent Governor representative

Thursday 8 July 2021, 6.30 - 8.30 pm

Online only



Agenda

Item	Description	Page
1.	Apologies for Absence	
	To receive apologies for absence and to note the attendance of any substitute Members.	
2.	Minutes of previous meeting	3 - 6
	To approve as a correct record the minutes of the meeting of the Overview and Scrutiny Commission held on 26 May 2021.	
3.	Declarations of Interest and Party Whip	
	<p>Members are asked to declare any disclosable pecuniary or affected interests and the nature of that interest, including the existence and nature of the party whip, in respect of any matter to be considered at this meeting.</p> <p>Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.</p> <p>Any Member with an Affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.</p>	
4.	Urgent Items of Business	
	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	
5.	Public Participation	
	To receive submissions from members of the public which have been submitted in advance in accordance with the Council's Public Participation Scheme for Overview and Scrutiny.	

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6.	Wellbeing and Finance Overview and Scrutiny Panel Report: Blue Badges Review	7 - 22
	To consider the draft Blue Badges review report prepared by the Wellbeing and Finance Overview and Scrutiny Panel for submission to the Executive on 21 September 2021.	
7.	Work Programme Update	
	Overview and Scrutiny Panel Chairs to provide a verbal progress updates on the work programme. The Commission to consider any proposed changes to the Overview and Scrutiny work programme such as scope, scheduling or duration and its potential impact on the delivery of the overall programme.	

Date of next meeting

The next Overview and Scrutiny Commission meeting is scheduled for 3 August 2021.

Sound recording, photographing, filming and use of social media is permitted. Please contact Kirsty Hunt, 01344 353108, kirsty.hunt@bracknell-forest.gov.uk, so that any special arrangements can be made.

Published: 30 June 2021

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**OVERVIEW AND SCRUTINY COMMISSION
26 MAY 2021
6.30 - 7.35 PM**



Present:

Councillors Angell (Chair), Virgo (Vice-Chair), Mrs Birch, Brossard, Gbadebo, McLean, Mrs Mattick, Mossom, Porter, Temperton and Tullett
Tracey Wright, Parent Governor representative
Mark Glanville, Parent Governor representative

Apologies for absence were received from:

Councillor Mrs McKenzie-Boyle

Also Present:

Councillor Mrs McKenzie

In attendance:

Timothy Wheadon, Chief Executive
Kevin Gibbs, Executive Director: Delivery
Ann Moore, Head of Democratic and Registration Services

4. Minutes of previous meetings

The Commission members discussed the content of the minutes relating to the meeting held on 7 April 2021 and although it was accepted that they were not inaccurate, councillors felt that what was reported and subsequently recorded did not match their experience or concerns raised about the Brants Bridge service. It was requested that the Clinical Commissioning Group be asked to attend a further Commission meeting to discuss the implementation and the publicity of the changes at Brants Bridge. Further work was ongoing by the Statutory Scrutiny Officer to work with health colleagues to ensure that future engagement and consultation on health changes were effective.

The circumstances of the downgrading of Brants Bridge from Urgent Care to Minor Injuries were discussed. The Commission agreed that a letter would be sent to Councillor Birch, Executive Member for Adult Services, Health and Housing to take a view on the issues raised regarding the changes at Brants Bridge by the Clinical Commissioning Group. This would be circulated to Commission members for comment before being finalised.

The Commission agreed that:

- i) subject to the comments above the minutes of the meeting of the Commission held on 7 April 2021 be approved as a correct record, and signed by the Chairman;**
- ii) the minutes of the meeting of the Commission held on 28 April 2021 be approved as a correct record, and signed by the Chairman; and**

iii) a letter to the Executive member for Adult Services, Health and Housing would be circulated for agreement by the Commission members.

5. Declarations of Interest and Party Whip

There were none declared.

There were no indications that members would be participating while under the party whip.

6. Urgent Items of Business

There were no items of urgent business.

7. Public Participation

No submissions had been made by members of the public under the Council's Public Participation Scheme for Overview and Scrutiny.

8. Council Plan Overview Report

The Chief Executive of Bracknell Forest Council, Timothy Wheadon, introduced the Council Plan Overview Report (CPOR) covering the third quarter of 2020/21. The Chief Executive highlighted that:

- during the quarter the borough had experienced an exponential increase in the covid rate from 22.8/100,000 to 788 by 31 December
- despite significant increase in the response to covid 92% of the Council Plan actions were on track and 73% of the performance indicators were on target
- some of those not on track were meaningless e.g. attendance at libraries due to the lockdown closures
- residents would not have noticed a difference in most day to day services
- the Public Health team were instrumental in developing outbreak management plans, community testing and undertaking high volume of data analysis
- there had been a massive response from volunteers via the Ark to undertake tasks such as shopping and prescription collections
- the Government's various business grant scheme were administered with over 1,600 claims made and £13m paid
- the joint venture with Countryside was formally established in December
- the construction work on Heathlands, a new residential and intermediate care centre, had progressed with the topping out ceremony on 27 May 2021.

The following questions were asked:

- In relation to KPIS reference L241 and L284 relating to income from CIL receipts and number of homes given planning permission it was understood that the punctuation marks reflected that data was not available at the time the report was completed. The Chief Executive would confirm this in writing.
- In response to a query about the £3.6m underspend the Chief Executive explained that the government support provided had covered all the expenditure and it was not necessary to use the £1.9m contingency as anticipated. He confirmed that this funding could therefore be part of general balances and used as part of the council's ongoing financial strategy. A £1.5m response package to covid was being developed which included interesting initiatives.

- The indicator relating to the service level agreement with South Hill Park was on amber and the Executive Director: Delivery was able to explain that due to covid SHP's events and services had not been operating so it had proven difficult to manage that relationship. The agreement was part of grant funding arrangements and was an ongoing issue.

The Chair highlighted that the CPOR included reference to a new homeless strategy and housing allocations strategy which he proposed could be scrutinised by the Commission and he would work with officers to identify a suitable date for that activity.

9. **Review of Overview and Scrutiny Commission meetings schedule**

The Commission reviewed the meetings schedule to ensure that discussions were as timely as possible on the Council Plan Overview Report. The meeting noted that it took at least six weeks to compile the CPOR data once the quarter ended but that the organisation was aware of the data and acted on it. The Chair of the Commission proposed an alternative schedule and this was accepted.

Further discussion was had on how health was being scrutinised by the authority and it was reported by the Chief Executive that local Leaders were working with MPs to speak directly to the politicians on the issues raised, the shadow Integrated Care System Board was working well and that the Health and Wellbeing Board also had a significant role so duplication needed to be avoided.

The Commission agreed that:

- i) a meeting would be arranged with the Statutory Scrutiny Officer to further discuss upcoming health issues for consideration by the Commission to carry out its strategic health scrutiny role;**
- ii) the meeting schedule for the Overview and Scrutiny Commission to be changed to that listed in the report at paragraph 5.8; and**
- iii) future schedules would be based on the Commission meeting two weeks after the Executive.**

10. **Work Programme Update**

Each Panel Chair provided a verbal update on work programme progress.

Environment and Communities

The Food Waste review programme of activity was drawing to a close and three site visits had been completed to different sites to consider how food waste could be implemented for flats and houses of multiple occupancy (HMOs). The Panel had spoken to RE London, WRAP and the RE3 contractor SUEZ who had implemented food waste recycling in other areas. It had been a challenging review as each block of flats was different with different requirements and the Panel had not finished drawing its conclusions.

Education, Skills and Growth

The Community Infrastructure Levy (CIL) review activity programme had been developed and was on target to begin in June.

A meeting of the Panel was being held on 14 June 2021 to follow up the progress against the recommendations made in the Careleavers review and would report back to the July Commission meeting.

Wellbeing and Finance

The Isolation and Loneliness review had been submitted to the Executive and the recommendations were noted because it had not been possible to provide timelines and costings. The recommendations would be considered as part of the developing Health and Wellbeing Strategy.

The Blue Badges review activity had been completed and the report was being drafted for consideration at the July Commission meeting. The department was running its own review in parallel, the recommendations had been fed directly into the officers and had been identified as being cost neutral to implement.

Overview and Scrutiny work programme

The Commission Chair observed that there was a lot of activity to deliver the work programme, participation in the panel reviews was high, reports were well received, and the reviews had been informative. He thanked everyone for taking part and especially the officers for facilitating the reviews.

Topics for future Commission meetings were continuously under review and considered with the available resource available. Recent member suggestions were currently being assessed and any further ideas from members were always welcomed.

CHAIR

To: **Overview and Scrutiny Commission**
8 July 2021

Overview and Scrutiny Review of Blue Badges Report **Kevin Gibbs: Statutory Scrutiny Officer**

1 Purpose of Report

- 1.1 To present the Wellbeing and Finance Overview and Scrutiny Panel's report to the Commission following the Panel's review into the blue badge application process.
- 1.2 To provide the advice of the Executive Director: Delivery in his role as Statutory Scrutiny Officer (SSO) to inform the Commission's decision whether to endorse the Panel's recommendations to the Executive.

2 Recommendation

- 2.1 **That the Overview and Scrutiny Commission considers whether to endorse the Wellbeing and Finance Overview and Scrutiny Panel's recommendations to the Executive, as set out in the Panel report (attached as Appendix A) and paragraph 5.5 of this report, taking into account the comments of the Statutory Scrutiny Officer.**

3 Reasons for Recommendation

- 3.1 It is the role of the SSO to advise the Council on any issues or concerns that may arise about the operation of the scrutiny function and the SSO may on occasion be required to make a determination about what the law says and how this should be applied to any particular situation. In carrying out this statutory role, there is a need to have a nuanced and meaningful understanding of the scrutiny function in order to accurately make judgments about its operation when disagreements or other issues arise.
- 3.2 The SSO is responsible for ensuring that the scrutiny function is adequately resourced and that service departments are contributing sufficiently to reviews to ensure that they are effective.
- 3.3 The SSO is also responsible for providing advice to the Commission on whether the recommendations within review reports are robust, taking account of resource, legal, climate change, equalities and strategic risk implications.

4 Alternative Options

- 4.1 The Commission could decide:
 - to endorse both recommendations to the Executive as set out in the Panel's report
 - to endorse the recommendations in part
 - to ask for further work to be undertaken before the report is submitted to the Executive recognising that this would delay the Panel's next piece of work
 - to note the Panel report and not make any recommendations to the Executive

5 Supporting Information from the Statutory Scrutiny Officer

- 5.1 The Overview and Scrutiny Commission commissioned the Wellbeing and Finance Overview and Scrutiny Panel to carry out a review into the blue badge application process as part of the overview and scrutiny four-year work programme, which has been developed to track themes within the new Council Plan.
- 5.2 In support of this review a broad range of witnesses gave evidence putting the Panel in a good position to use this intelligence to frame the review and produce insightful recommendations.
- 5.3 The Panel was supported by Jen Lawson, Governance and Scrutiny Officer who supported the Panel to draw up the scope of the review and prepare an evidence pack of relevant information; to facilitate a number of Panel sessions to interview a range of contributors; to draw out findings from the Panel's investigation, and to prepare a review report. This involved in the region of 42 hours of scrutiny officer time and eight hours of Panel meetings.
- 5.4 Before the review commenced the Panel was advised that the Assistant Director: Adult Social Care was carrying out a wide-reaching review of the blue badge process with changes to be implemented by September 2021. The Assistant Director worked with the Panel to ensure a joined-up approach and to provide an effective route to the implementation of changes to the process, taking account of the Panel's findings. As a result, the Panel made five recommendations to the Assistant Director who agreed to take these into account to inform her review. These are set out in the Panel report.
- 5.5 Two of the Panel's recommendations are outside the scope of the departmental review and are therefore referred to the Executive. The reasons for making these recommendations are set out in the Panel report. These recommendations are:
- **That the Executive requests a review to ensure that blue badge refusal letters are empathetic, easy to understand and demonstrate to applicants that all their evidence has been considered. By end December 2021.**
 - **That the Executive Director creates local guidelines that explain the approach to assessing blue badges in Bracknell Forest. The local guidance should be clear how Bracknell Forest Council uses its website and application form to provide and collect information, and how it considers evidence from a wide range of professionals and trusted organisations. By end December 2021.**
- 5.6 In summary, it is the Statutory Scrutiny Officer's view that the initial analysis that led to this review was not based on a complete data set. Therefore, the basic premise regarding Bracknell Forest's national position was proven, through the review process, not to be the case. Direct comparison with other councils was always going to be difficult given the complex factors involved in blue badges and the individual characteristics of each area. That said, the review has pulled out some important points for the department to work on.
- 5.7 It is the Statutory Scrutiny Officer's view that this review activity had adequate resources and the service department contributed effectively to the review. The bulk of review activity took place between mid-April and mid-May 2021 and the review was completed within the timescales agreed by the Commission when the review work was commissioned on 17 February 2021. The comments from the relevant

officers set out below do not indicate any concerns with the proposed recommendations.

6 Commentary from Wellbeing and Finance Overview and Scrutiny Panel Chair, Councillor Malcolm Tullett

- 6.1 This review began after some councillors received complaints about blue badge applications being refused, and a local newspaper article highlighted differences in approval rates between Bracknell Forest and other councils. The recent Social Isolation and Loneliness review reinforced the problems caused when people cannot easily leave their homes, so the panel chose to review the application process to ensure fairness and consistency.
- 6.2 Blue badges can be a lifeline for residents leading difficult lives. The panel heard first-hand about the impact a blue badge can have and was reminded of the need for clarity and empathy when assessing personal, and often complex, information.
- 6.3 Most of the issues the panel discussed were related to communication. We all agreed that good communication before, during and after is critical to delivering an effective process. We summarised the review objectives as “expectation, explanation and fairness” and all recommendations are made with these in mind.
- 6.4 The panel welcomed the departmental review currently being carried out by Adult Social Care. Not only does it demonstrate that the service is also looking for opportunities to improve, but it gives an immediate and effective route to implement relevant recommendations from our scrutiny review more quickly. I was pleased to collaborate with the Assistant Director, Adult Social Care, and to feed some of our recommendations directly into the departmental review.

7 Response from Assistant Director: Adult Social Care

- 7.1 The Overview and Scrutiny review into blue badges came at an opportune time given the departmental review that is being carried out by Adult Social Care (ASC).
- 7.2 Most of the recommendations described in the review paper reflect the areas of work that were already part of the ASC review and will be incorporated. The recommendations to the Executive fall outside the immediate focus of the departmental review and cover areas the service would naturally look to address once any initial changes have been implemented. These recommendations will assist the department in embedding and further developing the process.
- 7.3 I can confirm that there will be no additional costs in delivering any of the recommendations.

8 Consultation and Other Considerations

Legal Advice

- 8.1 The Blue Badge scheme operates under section 21 of the Chronically Sick and Disabled Persons Act 1970, as amended, and regulations made under that section. The current regulations are the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI 2000/682), as amended. They provide for the issue of a "Badge of a prescribed form" by local authorities for motor vehicles driven or used by disabled people. The Council has a duty to ensure that badges are only

issued to residents who satisfy one or more of the eligibility criteria set out in legislation.

Financial Advice

- 8.2 It is not envisaged that there will be any material financial impact arising from the proposed recommendations.

Equalities Impact Assessment

- 8.3 The review scope, activities and recommendations were all considered in the initial equalities screening attached at Appendix B.

Strategic Risk Management Issues

- 8.4 A BBC Freedom of Information request in August 2020 suggested a high difference in the approval rates between applications for visible and non-visible disabilities in Bracknell Forest compared with other councils. Local media also ran several stories highlighting the dissatisfaction of some residents with the process. This represented a potential reputational risk for the Council. This risk has been mitigated by the parallel officer and scrutiny reviews which provide a clear response to the local concerns and press coverage.

Climate Change Implications

- 8.5 The recommendations in the Panel report are expected to have no impact on emissions of CO₂.
- 8.6 The aim of the recommendations is to achieve a balance in the blue badge approval rates across visible and non-visible disabilities. If the rates were equal, this would result in an approximately 62 additional blue badges being issued a year (or an increase of 7%). The Council believes that this will have no impact on emissions as the number of additional journeys made as a result of the blue badges is expected to be minimal, particularly compared with the number of car journeys in total across the Borough. It is also likely that some of these journeys are already undertaken in cars without a blue badge.

Background Papers

None

Contact for further information

Kevin Gibbs, Statutory Scrutiny Officer - 01344 355621
kevin.gibbs@bracknell-forest.gov.uk

Jen Lawson, Governance & Scrutiny Officer – 01344 353071
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Overview and Scrutiny Panel Recommendations Report

REVIEW TITLE	O&S PANEL	DATE
Blue badge application process	Wellbeing and Finance	

“This review looked at the difference in approval rates between applications for blue badges for visible and non-visible disabilities in Bracknell Forest. It began after some councillors received complaints about blue badge applications being refused, and a local newspaper article highlighted differences in approval rates between Bracknell Forest and other councils.

Blue badges can be a lifeline for residents leading difficult lives. The inclusion of people with non-visible disabilities in the scheme in September 2019 extended that support to even more of our vulnerable residents. With a year of data to consider, this review was set up to understand and eliminate any inadvertent discrimination and ensure fairness in the process.



I would summarise the review objectives as ‘expectation, explanation and fairness’ and all recommendations are made with these principles in mind.”

Councillor Malcolm Tullett, Chair: Wellbeing and Finance Overview and Scrutiny Panel

Recommendations

Adult Social Care is currently carrying out a wide-reaching review of the blue badge process. The following recommendations are made to the Assistant Director, Adult Social Care to be considered as part of the review implementation:

- 1. That the blue badge process captures the reasons why each application has been accepted to create a knowledge bank for internal reference, training and consistency. Where necessary, and in line with data protection policy, other teams involved in the process (e.g. Customer Services) should have access to this data to improve their knowledge. Implementation by end September 2021.**
- 2. That the assessment process includes a greater understanding of psychological, medical and neurological conditions with access to expert knowledge for complex, and sometimes rare, conditions. Implementation by end September 2021.**
- 3. That the blue badge process confirms that the appropriate psychological, medical or neurological evidence and expertise have been considered before a final refusal decision is made, enhancing the objective scrutiny of refusals that is already in place. Implementation by end September 2021.**
- 4. That the review of the blue badge application form considers the following:**
 - Some conditions cross the visible/non-visible criteria; the form should remove any barriers to a holistic assessment of an individual.
 - Some conditions ‘fluctuate’ (the impact on a journey isn’t consistent day to day); the form should recognise this and use an appropriate questioning style.
 - Ensure data protection doesn’t create any barriers to swift and simple progress.
 - Use technology to make a complex form smart and simple, e.g:
 - an online form where subsequent questions are tailored depending on responses;
 - an online form providing explanatory notes and examples of the sort of evidence required;

- an online process that provides progress notifications to applicants, giving confidence that all their evidence has been reviewed.
- Form must be easy to start, look at, save and return to.
- Ensure all accessibility needs and alternate methods are considered, and sufficient support is provided to complete the form, e.g. by Customer Services

Implementation dependent on ICT capacity; update to be provided by end September 2021.

5. That the blue badge team hold engagement sessions with relevant organisations to increase understanding of the blue badge process in the statutory, voluntary and community sectors so organisations can:

- better manage expectations about the process and outcomes
- better support people who are eligible for a blue badge.

By end October 2021 (subject to any pandemic restrictions).

The following recommendations are outside the departmental review and are made to the Executive for future activities:

6. That the Executive requests a review to ensure that blue badge refusal letters are empathetic, easy to understand and demonstrate to applicants that all their evidence has been considered. By end December 2021.

7. That the Executive Director creates local guidelines that explain the approach to assessing blue badges in Bracknell Forest. The local guidance should be clear how Bracknell Forest Council uses its website and application form to provide and collect information (reflecting any changes as a result of recommendation 4), and how it considers evidence from a wide range of professionals and trusted organisations. By end December 2021.

Good practice

Adult Social Care is carrying out a wide-reaching review of the blue badge process, looking at the process itself, where it sits within the council, training and engagement. The panel was pleased to hear this and is making relevant recommendations directly to the departmental review for a joined-up approach. The new process goes live in September 2021 and the panel looks forward to an update on the results of the implementation in late September.

The review heard that the blue badge team carries out an internal review of any refusal decisions before the applicant is informed. Given the high impact of a refusal, the panel recognises this internal scrutiny as good practice.

Background information

During 2020-21 Adult Social Care received three complaints relating to blue badges in Bracknell Forest: two relating to non-visible disabilities and one relating to a visible disability. The non-visible complaints were both investigated by the Local Government Ombudsman.

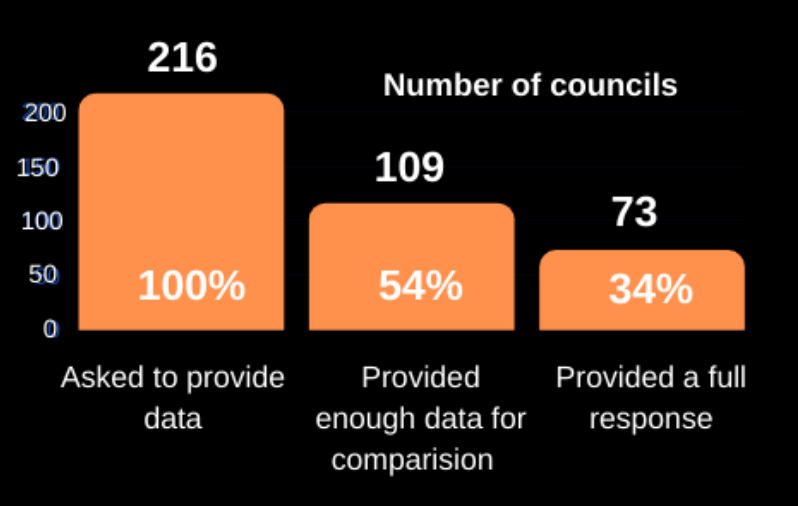
Non-visible complaints

1. Local Government Ombudsman recommended changes to the appeals process which have been implemented
2. Local Government Ombudsman found no failing by the council

Visible complaint

Found to be an administrative error which was resolved by the council's internal process

Approval rates in this report are based on data from a [BBC freedom of information request](#)



216 councils were asked for data about blue badge applications over the period 30 August 2019 – 17 August 2020

73 councils (34%) provided a full response. **Bracknell Forest was one of them.**

Roughly half (109 councils) provided enough data to compare overall acceptance rates with rates for non-visible disabilities

Bracknell Forest had a difference in approval rates between all disabilities and non-visible disabilities of 43%, placing them 94th out of the 109 councils who provided data.

Did you know?

The total number of blue badge applications Bracknell Forest receives is in the lowest 10% of the sample data, which probably reflects the small population.

Review findings

Blue badges in Bracknell Forest

The Assistant Director, Adult Social Care noted that Bracknell Forest Council has consistently lower approval rates compared to the sample average, across both visible and non-visible disabilities:

	Rate of approval for all applications (%)	Rate of approval for non-visible applications (%)	Difference (all – non-visible) (%)	Proportion of badges issued that were for non-visible disabilities (%)
Sample average	83 ¹	58 ²	25	4.2 ³
Bracknell Forest Council	78	35	43	5.5

The Assistant Director suggested this may be due to the rigorous process in place at Bracknell Forest. Some councils carry out a desktop assessment only, which leaves room for greater variation and consequently may increase approval rates. Bracknell Forest always uses a team of qualified experts which may lead to more consistent, but generally lower, approval rates.

The Assistant Director is proud to use skilled assessors and is committed to ensuring the right capabilities for the future. Before the inclusion of non-visible disabilities, the majority of assessments focused on mobility. Assessing non-visible disabilities requires a wider range of expertise covering

¹ based on 178 councils who provided this data

² based on 116 councils who provided this data

³ Based on 133 councils who provided this data

psychological, medical and neurological conditions. This review recommends the appropriate level of expert input for each assessment, particularly as some conditions are complex and rare.

The government guidance states, *“It is the responsibility of each local authority to ensure that badges are only issued to residents who satisfy one or more of the eligibility criteria set out in the legislation”*.

Bracknell’s Assistant Community Services Officer – Occupational Therapy told the panel that the threshold for issuing a blue badge is high. There are no targets or an upper limit on the number of badges that can be issued. The panel recognised that if blue badges became widespread they would no longer convey a benefit due to pressure on spaces.

Of the 122 councils that provided relevant data, Bracknell Forest had the third highest proportion of applications for a non-visible disability (12%). A high proportion of non-visible applications does not necessarily correlate to a greater need as Bracknell is similar to other councils for rates of non-visible disabilities.

High application rates question whether applicants’ expectations were well managed. The Assistant Director recognised that the inclusion of non-visible disabilities was new for the public as well as for the council and agreed that providing clear and accessible information about eligibility was critical. The panel’s recommendations to improve the application form and provide enhanced local guidance should support clearer information.

Recommendation 1 - to capture the reasons for accepting an application - also supports good expectation management. It creates a knowledge bank, which not only supports fair decisions but will improve consistency. Consistent outcomes are key to managing the expectations of applicants. The details will also provide case studies, which can be used for training as well as external communications.

The panel interviewed Ollie Sirrell, a local democracy reporter who has written several articles on blue badge refusals in Bracknell Forest. He explained that his initial investigations into blue badge acceptance rates in Berkshire led to the BBC Freedom of Information request to 216 councils. Mr Sirrell has spoken to several families about their experience. He summarised that their dissatisfaction was caused by poor communication and not receiving a clear explanation why their application was refused.

The Assistant Director and the blue badge officer both recognised that good communication in all areas is critical to delivering an effective process. Their challenge is to communicate complex information in a way that supports a simple process.

The experience of residents

The panel heard from five residents covering a range of visible and non-visible disabilities, adult and child applicants and refused and accepted outcomes. They noted the split that those who had received a blue badge were generally happy with the process and those who had been refused were not.

The panel recognised the impact that having a blue badge can have. One carer told the panel that being taken to the shops or on a trip out was the only outlet for their blue badge holder, giving him ‘a life outside the four walls’. Another parent said,

“It’s about making life as “normal” as possible – being able to go out, go to the shops and trying to integrate into a society that doesn’t always accept people who are a little bit different. That’s the kind of impact it can have on someone’s life.”

As a blue badge refusal reduces these opportunities, the panel were pleased to hear that refusal decisions are already subject to internal review before final letters are sent out. The panel recommends that this internal review confirms that the relevant psychological, medical or neurological evidence has been reviewed and understood, consulting experts as necessary. This change in focus recognises the increased range of conditions now considered.

Two residents described how their condition ‘fluctuates’, meaning there are times when they don’t experience much difficulty and other times when they have considerable difficulty walking or present a risk of serious harm to themselves or others. Both residents had been observed for a blue badge at what they considered to be ‘a good time’ and both were refused. They felt that this didn’t fairly represent their condition and that the application process didn’t allow them to represent their full experience. The panel recommends that the application process uses appropriate questions to reflect ‘fluctuating disabilities’.

Some conditions cross the visible/non-visible criteria. The panel heard from a resident who had been advised to apply under a non-visible disability, but their assessment appeared to be based on the visible criteria (which were relevant but didn’t represent the whole situation). The panel were concerned that making an application under a specific category may disadvantage those with complex needs which cross the criteria. The review recommends that the application form is revised to remove any barriers to a holistic assessment of an individual.

The panel recognised that creating a more inclusive form could make it very large as all potential questions need to be included. The review recommends creating an online form that will tailor later questions according to previous answers to make the process more manageable. An online process could also provide automatic updates, for example when evidence has been assessed, helping to keep applicants informed during an anxious time.

Online applications are not suitable for everyone and the panel noted that the application process must take account of all accessibility requirements, providing appropriate support and alternative methods where required. The panel suggests that Customer Services could be considered to provide initial support.

The panel highlighted that some approaches to data protection can create extra steps for process users. They recommend that data protection is integrated at an early stage to avoid introducing any barriers later in the process design.

Complex conditions often require a large amount of evidence and the assessment process can be extensive. The panel heard from a resident who had submitted a lot of evidence but found that the refusal letter didn’t provide satisfactory detail on the reasons for refusal. The letter made no reference to the evidence and how it had been reviewed so the applicant had little confidence it had been assessed. The review recommends that refusal letters are reviewed to make it clear the evidence has been assessed and understood, demonstrating greater empathy for the applicant and what a blue badge means for them.

The departmental review is prioritising actions needed for implementation of a new process (process design, team structure, training etc). A review of letters would be a later activity, so this recommendation is made to the Executive for future work.

In support of this recommendation, one resident reminded the panel that the process should put the applicant at the forefront:

“It’s really important for the assessors to go out of their way to understand the situation that person is in.”

“I think life for some people with disabilities will never be ‘normal’, but if there are things we can do as a society to support that I think we should always have that person at the forefront of what we’re doing.””

Evidence from a local support organisation

The Ark, a local organisation that supports people with disabilities and the disadvantaged, provided written evidence to the panel. They advised that the process itself can be a barrier, particularly to those with non-visible or fluctuating disabilities. This insight supports the recommendations to improve the application form and provide clearer guidance with examples of evidence. Outreach work through local organisations will also help build understanding and reduce uncertainty.

The Ark explained that some conditions do not have ongoing medical or adult social care involvement, for example, autism in adults. However, the individuals often have extensive involvement with community and voluntary sector organisations (such as SIGNAL4Carers, PINC, Younger People with Dementia, Autism Berkshire, Age UK Berkshire). Expanding the range of people who can provide evidence for assessment purposes would ensure that these individuals can be more fairly represented.

Local authorities are responsible for the administration and enforcement of the blue badge scheme, and can implement administrative, assessment and enforcement procedures which they believe are in line with the governing legislation. The Ark highlighted this flexibility to shape policy locally. To take advantage of this, the review recommends that the approach in Bracknell Forest is clearly outlined in local guidance that shows how the council uses a number of tools (application form, website, wider range of evidence sources) to enhance the government approach.

“As Vice Chair of the Wellbeing and Finance Overview and Scrutiny Panel, I welcomed the opportunity to assist in the review of the blue badge process in view of the concerns shown by both applicants and their families/carers.

I know personally of applications being rejected after having previously been issued with a blue badge. We heard directly from residents about the difference that having a blue badge makes, or would make, to their lives. Making fair decisions is key to people’s freedom and I am confident that, in future, any difficulties will be addressed in an appropriate manner.”

Cllr Isabel Mattick, Vice Chair: Wellbeing and Finance Overview and Scrutiny Panel

I would like to thank everyone who took part in this review: officers (from both Bracknell Forest and other councils), residents, local organisations and local media.

I am particularly grateful to the residents who spoke to us about their experiences, both good and bad. Hearing first-hand about the impact of blue badges reinforced why this process is so important.

The recent data might suggest that Bracknell Forest is performing in the lower quartile, and the ambition for this review is to move it to the upper quartile. Bracknell Forest is a caring council and we have taken on board everything we have heard. This has been an opportunity to reflect on our experience and look for any improvements for our residents.

Councillor Malcolm Tullett, Chair: Wellbeing and Finance Overview and Scrutiny Panel

Review panel

Councillor Alvin Finch	Councillor Mike Gibson
Councillor Isabel Mattick (Vice Chair)	Councillor Nick Allen
Councillor Malcolm Tullett (Chair)	Councillor Nigel Atkinson
Councillor Mary Temperton	Councillor Lizzy Gibson
Councillor Michael Brossard	

Contributors to the review

Melanie O’Rourke	Assistant Director: Adult Social Care,
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	Bracknell Forest Council
Gavin Austen	Assistant Community Services Manager - Occupational Therapy, Bracknell Forest Council
Ollie Sirrell	(Former) Local Democracy Reporter, Bracknell News
Blue badge applicants from Bracknell Forest	
Andrea McCombie-Parker	Chief Executive, The Ark Trust
Sarah Piercey	Assessment Team Manager, Manchester City Council
Lauren Grosvenor	Blue Badge Team Manager, Lincolnshire County Council
Gordon Smith	Head of Blue Badge Service and Enforcement, Hampshire County Council
Angela Armstrong	Scrutiny and Legal Support Officer, Hartlepool Borough Council
Judy Trainer	Team Leader Scrutiny and Electoral, Stockton-on-Tees Borough Council
Earl Piggott-Smith	Scrutiny Officer, City of Wolverhampton Council
Jen Lawson	Governance and Scrutiny Officer for this review, Bracknell Forest Council

Initial Equalities Screening Record Form

Date of Screening: 3 June 2021	Directorate: Delivery	Section: Democracy and Governance	
1. Activity to be assessed	Overview and Scrutiny Panel for Wellbeing and Finance review of the blue badge application process		
2. What is the activity?	<input type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input checked="" type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change		
3. Is it a new or existing activity?	<input checked="" type="checkbox"/> New		
4. Officer responsible for the screening	Jen Lawson, Governance & Scrutiny Co-ordinator		
5. Who are the members of the screening team?	Cllr Malcolm Tullett, Cllr Isabel Mattick, Emma Young		
6. What is the purpose of the activity?	To understand whether there is a significant difference in approval rates for blue badges between Bracknell Forest and other councils and address any reasons for the imbalance, with particular focus on applications for non-visible disabilities. The review also considered any opportunities to improve the process for all applicants.		
7. Who is the activity designed to benefit/target?	Applicants for blue badges, particularly those with non-visible disabilities		
Protected Characteristics	Please tick yes or no	Is there an impact?	What evidence do you have to support this?
8. Disability Equality – this can include physical, mental health, learning or sensory disabilities and includes conditions such as dementia as well as hearing or sight impairment.	Y N	Positive impact identified.	The recommendations are designed to increase fairness and consistency in the blue badge assessment process, particularly for applicants with non-visible disabilities. There is no upper limit on blue badges, so an increase in non-visible approvals would not lead to a decrease in visible approvals. The recommendations also aim to improve information and communication, which should benefit all applicants.
9. Racial equality	Y N	Positive impact identified.	Of 5 aggregated ethnic groups (Asian, Black, Mixed, White, Other) people from the Other and Mixed ethnic groups were most likely to use NHS mental health, learning disability and autism services. This was followed by the Black ethnic group, then White and Asian. The review focus on non-visible disabilities may have a more positive impact on the first two groups.

10. Gender equality	Y	N	Positive impact identified.	With the exception of 15 and under, all age groups have a higher proportion of females than males reporting that they are disabled (24% of females, 19% of males) ⁱ . These recommendations may have a slightly greater impact on women than men.
11. Sexual orientation equality	Y	N	No impact identified.	The recommendations will not impact sexual orientation equality but should have an overall positive impact on all groups through improved information and communication.
12. Gender re-assignment	Y	N	No impact identified.	The recommendations will not impact gender re-assignment equality but should have an overall positive impact on all groups through improved information and communication.
13. Age equality	Y	N	Positive impact identified.	70% of people with a disability are aged 50 or over ⁱⁱⁱ . Those of state pension age report higher rates of mobility impairment (68%) compared with a mental health impairment (10%) so they may not benefit as much from the review's focus on non-visible disabilities. In children, social or behavioural impairments were reported for 45% of disabled children. Learning impairment for 35% and a mental health impairment was reported for 31%. Working age adults reported roughly similar rates of mental health impairment (42%) and mobility impairment (41%) ⁱⁱ . This suggests that children may benefit most from the recommendations, but all ages should experience a positive impact through improved information and communication for all applicants.
14. Religion and belief equality	Y	N	No impact identified	The recommendations will not impact religion and belief equality but should have an overall positive impact on all groups through improved information and communication.
15. Pregnancy and maternity equality	Y	N	No impact identified.	The recommendations will not impact pregnancy and maternity equality but should have an overall positive impact on all groups through improved information and communication.
16. Marriage and civil partnership equality	Y	N	No impact identified	The recommendations will not impact marriage and civil partnership equality but should have an overall positive

			impact on all groups through improved information and communication.
17. Please give details of any other potential impacts on any other group (e.g. those on lower incomes/carers/ex-offenders, armed forces communities) and on promoting good community relations.	<p>Disability is strongly linked to poverty. 30% of people in families with disabled members live in poverty, compared to 19% of those who do not^{iv}. The review is likely to have a positive impact on people on lower incomes.</p> <p>Half of the ex-Service community have some long-term illness or disability, most often a physical condition. Reported mental health problems also doubled in the period 2005 – 2014^v. The recommendations are likely to have a positive impact on the ex-Service community as well.</p> <p>The recommendations are designed to have a positive impact on people with disabilities and are likely to have a positive impact on their carers too.</p>		
18. If an adverse/negative impact has been identified can it be justified on grounds of promoting equality of opportunity for one group or for any other reason?	N/A		
19. If there is any difference in the impact of the activity when considered for each of the equality groups listed in 8 – 14 above; how significant is the difference in terms of its nature and the number of people likely to be affected?	N/A		
20. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?		N	
21. What further information or data is required to better understand the impact? Where and how can that information be obtained?	We considered a wide range of data from local and national sources. This was collated in evidence packs which are available on BFC website.		
22. On the basis of sections 7 – 17 above is a full impact assessment required?		N	
23. If a full impact assessment is not required; what actions will you take to reduce or remove any potential differential/adverse impact, to further promote equality of opportunity through this activity or to obtain further information or data? Please complete the action plan in full, adding more rows as needed.			
Action	Timescale	Person Responsible	Milestone/Success Criteria
See recommendations contained in report.	July 2021	Cllr Malcolm Tullett	Recommendations are endorsed by the O&S Commission and agreed by the Executive.

24. Which service, business or work plan will these actions be included in?	Overview & Scrutiny Commission work plan
25. Please list the current actions undertaken to advance equality or examples of good practice identified as part of the screening?	Please see recommendations contained in the report.
26. Assistant director's signature.	Signature: APPROVED <i>By AnnMo at 8:32 am, Jun 10, 2021</i> Date:

ⁱ [Use of NHS mental health, learning disability and autism services - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](https://www.gov.uk/ethnicity-facts-figures)

ⁱⁱ [Family Resources Survey: financial year 2019 to 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

ⁱⁱⁱ [Mapping Disability - the facts \(sportengland-production-files.s3.eu-west-2.amazonaws.com\)](https://sportengland-production-files.s3.eu-west-2.amazonaws.com)

^{iv} [papworth-trust-disability-facts-and-figures-2018.pdf \(papworthtrust.org.uk\)](https://www.papworthtrust.org.uk/papworth-trust-disability-facts-and-figures-2018.pdf)

^v [A UK household survey of the ex-Service community \(rblcdn.co.uk\)](https://www.rblcdn.co.uk)