

Wellbeing and Finance Overview and Scrutiny Panel
 Councillor Tullett (Chairman),
 Councillor Mrs Mattick (Vice-Chairman),
 Councillors Allen, Atkinson, Bhandari, Brossard, Finch,
 Mrs L Gibson, MJ Gibson, McLean, Skinner and Temperton



Blue Badges Review

1.	Apologies for absence	
	To receive apologies for absence and to note the attendance of any substitute Members.	
2.	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>	
3.	Evidence from Ollie Sirrell, Bracknell News local democracy reporter	
4.	Evidence from Bracknell Forest Council adult social care officers	
	<p>Melanie O'Rourke, Assistant Director: Adult Social Care</p> <p>Gavin Austin, Assistant Community Services Manager - Occupational Therapy</p>	

Evidence pack

The following items form the evidence pack for this review which is part of the Overview and Scrutiny work programme: [Overview and scrutiny work programme | Bracknell Forest Council \(bracknell-forest.gov.uk\)](https://www.bracknell-forest.gov.uk/overview-and-scrutiny-work-programme) .

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The review will take place over a series of meetings. Some meetings will be open to the public and others will be closed. This will be determined by the nature of the session and the sensitivity of the information being shared. The priority will always be the effectiveness of the review. The Panel may produce interim reports as well as a final report capturing good practice, learning points and recommendations.

5.	Scope of the review	1 - 2
	Describes the background to and the scope of this review into blue badge applications.	
6.	Schedule of the review	3 - 4
	Provides an overview of the approach for this review.	
7.	Blue Badge scheme local authority guidance (England)	
	Guidance from central Government to help local authorities put in place administration, assessment and enforcement practices that are fair, effective and efficient: Blue Badge scheme local authority guidance (England) - GOV.UK (www.gov.uk)	
8.	Exert from Blue Badge scheme local authority guidance	5 - 8
	Section 4 – Determining the eligibility of individual applicants - is particularly relevant and is included here.	
9.	Local authority guidance sent to applicants (exerts)	9 - 16
	This document contains further exerts from the central Government guidance and is sent out with refusal decision letters. The letter makes reference to the relevant parts of the guidance to explain the basis for the refusal.	
10.	Councillor briefing on non-visible disabilities	17 - 18
	This briefing note was provided to councillors in February 2020 to provide an update on the new guidance within Bracknell Forest.	
11.	Applications	
	Guidance from Citizens Advice about the applications process: Applying for a Blue Badge - Citizens Advice and what to do if you have been refused: If you've been refused a Blue Badge - Citizens Advice Links to the Bracknell Forest Council application forms: Individual blue badge application - physical disabilities (bracknell-	

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	forest.gov.uk Individual blue badge application - non visible conditions (bracknell-forest.gov.uk)	
12.	<p>Press articles</p> <p>Bracknell News article on apparent disparity in application success in Bracknell Forest: Blue Badge disparity: Bracknell Forest has one of UK's highest rates Bracknell News</p> <p>Source data for disparity article: Blue badges - for sharing from the BBC Shared Data Unit - Google Sheets</p> <p>Bracknell news story on Wokingham council improvements to blue badge application system: "You spoke and we have listened" - Wokingham council improves disabled blue badge system following complaints Bracknell News</p> <p>Wokingham Council article on the improvements: You spoke, we listened – a quicker and easier online blue badge process launched - Wokingham Borough News Centre</p>	
13.	<p>Further reading</p> <p>In 2019, Haringey Council carried out a scrutiny review into blue badges and supporting better access to parking for disabled people: RECOMMENDATIONS (haringey.gov.uk)</p> <p>The review went beyond the scope of this review but, in addition to the recommendations, the following sections may be relevant:</p> <p>4. Applying for and renewing a Blue Badge (pgs 18 – 23)</p> <p>6. Correspondence and Communication (pg 29)</p> <p>7. Assessments for discretionary Blue badge applications (pgs 33 – 36)</p>	

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Published: 9 April 2021

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Blue Badges Review Wellbeing and Finance Overview & Scrutiny Panel

Reason for review

- Multiple complaints
- Info arising from SI&L review (can't get out)
- Primary legislation to help those with hidden disabilities – outcome different
- Ombudsman involved – albeit stated protocols followed – appeal process was criticised (since improved) – improved processes but need monitoring data - same outcome?
- Local media involved – comparisons with others BFC at lowest end (disparity between visible and non-visible disabilities – BFC is 16th highest disparity).

Objectives/scope

The review is aiming to understand why:

- Outcomes are so poor, in relation to other Councils
- A disparity exists between the intended outcomes of the primary legislation and the outcomes delivered.

The review will do this by enquiring about (not an exhaustive list):

- What BFC is doing differently
- The evidence needed for a positive assessment of those with a hidden disability
- The training of awarding officers regarding hidden disabilities
- Comparison with questions regarding PIP grants

At the conclusion of this work the Panel will produce a report highlighting its findings and proposing recommendations to the Executive, with a view to improving the internal evaluation process and enhancing the reputation of BFC, in relation to support residents with hidden disabilities.

Delivery methods:

- Interviewing relevant witness, including those affected
- Consulting other local authorities to understand how their schemes are run
- Desktop review of relevant data and any comparisons between legislative intentions and internal BFC protocols

Council theme:

- Caring for you and your family
- Value for money

Council team:

- Democratic services officer
- Blue badge Officer

Review due:

- April 2021

Proposed by:

- Cllr Malcolm Tullett, Chair Wellbeing and Finance Panel

Equality Impact Assessment

- Potential for unintended discrimination
- Potential for enforced isolation and loneliness

Financial and legal implications

There are potentially legal and financial implications of any recommendations arising from this review which will be fully addressed in the review report.

Climate change implications

Unknown, at this stage, although the implications of any recommendations arising from this review which will be fully addressed in the review report.

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**Blue Badges Review
Wellbeing and Finance Overview & Scrutiny Panel**

Review approach

Activity	Content	Date
<p>Ω</p> <p>Session 1: Data, context and approach at BFC</p>	<p>Interview Ollie Sirrell on the data analysis supporting his Bracknell News article of 7 January 2021</p> <p>Interview Melanie O'Rourke, Assistant Director: Adult Social Care, to understand:</p> <ul style="list-style-type: none"> • What the blue badge data means in a Bracknell Forest context <ul style="list-style-type: none"> ○ what independent analysis have they done? ○ what does good look like for Bracknell Forest? • Overview of departmental review project <ul style="list-style-type: none"> ○ why has it come about? ○ what are they looking at? ○ what is their approach and timescales? <p>Questions for Melanie O'Rourke and Gavin Austin, Assistant Community Services Manager - Occupational Therapy:</p> <ul style="list-style-type: none"> • Interpretation of Government guidance and how that is reflected in internal BFC protocols • What training has been given in non-visible disabilities and how to apply the guidance • the evidence needed for a positive assessment of those with a hidden disability • is BFC doing anything differently as a result of the change? If so, what? 	<p>Wed 21 April, 2.30pm</p>
<p>Session 2: Impact on applicants</p>	<p>Residents to give evidence about their experience of the blue badge application process.</p> <p>Evidence should focus on residents' experience of the system, not on their individual cases.</p> <p>Ideally evidence will be given 'face-to-face' but some residents may prefer to submit written evidence, which will be reviewed at this session.</p>	<p>w/c 26 April</p>

Session 3: Good practice	Desktop exercise for the panel to review evidence from any similar reviews/reports from other local authorities	w/c 29 April
Potential session	If possible, hear evidence from local organisations who have experience supporting residents in their blue badge applications. Ideally focus on non-visible disabilities.	w/c 3 May
Recommendations	The panel will meet to develop and finalise their recommendations	w/c 3 May and w/c 10 May
Report writing and sign off		
Overview and Scrutiny Commission	Present recommendations and report to the Overview and Scrutiny Commission for endorsement at next scheduled meeting (no Commission meeting in June)	8 July 2021

Determining the eligibility of individual applicants

The two types of eligibility criteria

4.1 An individual's eligibility for a Blue Badge is considered in terms of being 'eligible without further assessment' (previously known as 'automatic') or 'eligible subject to further assessment' (previously known as 'discretionary').

4.2 Appendix K: Flowchart - Subject to further assessment criteria summarises the application process steps for assessing applicants under the 'eligible subject to further assessment' category.

4.3 In no circumstances should 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 should never be issued to people solely on the basis of their age and should not be issued for any purpose other than to assist the recipient when undertaking journeys.

Type 1: 'Eligible without further assessment'

The 'eligible without further assessment' criteria

4.4 People who may be issued with a badge without further assessment are those who are more than two years old and fall within one or more of the following descriptions:

- 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

Notes:

- Armed Forces Independence Payment (AFIP) [6](#) awards are not included in the Type 1 eligibility criteria
- for applicants in receipt of PIP, a local authority should not base a decision to award a Blue Badge on a combined score from both the 'planning and following journeys' and 'moving around' Mobility Activity

If an applicant does not meet the required score for either Mobility Activity, then they fail to meet either of the above 'eligible without further assessment' PIP criteria and may be considered instead under the 'subject to further assessment' criteria (see below).

While cumulative points under the “moving around” mobility activity can count towards qualification under this criterion, this does not apply to the ‘planning and following journeys’ mobility activity.

Under the ‘planning and following journeys’ mobility activity only a score of 10 points for Descriptor E (“cannot undertake any journey because it would cause overwhelming psychological distress to the claimant”) counts as meeting eligibility.

Applicants in receipt of 10 points for Descriptor D, or 12 points for Descriptor F under the ‘planning and following journeys’ mobility activity do not qualify under this criterion. Such applicants should be considered under the ‘subject to further assessment’ criteria.

Applicants in receipt of a grant pursuant to paragraph 10(3) of Schedule 1 to the National Health Service Act 2006 ⁷ or section 46 of the National Health Service (Scotland) Act 1978 ⁸ - also qualify for a Badge without further assessment. However, we believe that the number of people this will apply to is very small. Applicants in this position, and who are not able to demonstrate their eligibility under one of the other ‘...without further assessment criteria’ should contact their local authority with recent evidence of this grant being awarded.

Type 2: ‘Eligible subject to further assessment’

The ‘eligible subject to further assessment’ criteria

4.26 People who may be issued with a badge after further assessment are those who are more than two years old and may be described as one or more of the following:

- a person who drives a vehicle regularly, has a severe disability in both arms and is unable to operate, or has considerable difficulty in operating, 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 which causes them, during the course of a journey, to be unable to walk, experience very considerable difficulty whilst walking, which may include very considerable psychological distress
- in addition, they may be at risk of serious harm when walking - or pose, when walking, a risk of serious harm to any other person

4.27 Persons needing such certification are those in whose case a local authority does not consider it self-evident that they fall within these descriptors. (See regulation 4 (3A) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000. (S.I.2000 No.682) ¹⁴.

If it is not self-evident to a local authority on the basis of the information available to them, from the applicant and health or social care practitioners, whether the applicant falls within these descriptors, then a referral should be made to an expert assessor for certification.

4.28 Any of the above three types of difficulty whilst walking could potentially be caused by a physical disability, or by a non-visible (‘hidden’) disability. In either case, the disability experienced by the applicant must endure for at least three years.

4.29 In addition, children under the age of three may be eligible for a badge if they fall within either 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

4.30 These criteria are defined in regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (S.I. 2000 No. 682) as amended by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (Regulations) 2019 (S.I. 2019 No. 891) [15](#). The latter SI also amends regulation 2 (which defines the role of an ‘expert assessor’, discussed in paragraph 4.31).

These changes seek to ensure that difficulties experienced by people with non-visible disabilities, whilst walking as part of a journey, are taken into full consideration by local authorities when determining the eligibility of applicants for a Blue Badge.

4.31 Consequently, some previously-used terms have changed in the regulations, and in guidance. DfT’s interpretation of key revisions is as follows:

- expert assessor is a specific definition, which replaces that of Independent Mobility Assessor. It still allows for mobility assessments to be done impartially, but now allows for a wider range of medical or healthcare professionals capable of certifying eligibility due to non-visible disabilities
- It removes the absolute requirement for independence, recognising that for non-visible disabilities especially, it may be that only a professional with a close knowledge of the applicant’s case history could certify their disability for the purpose of their Blue Badge application
- enduring and substantial disability - this change, from ‘permanent and substantial disability’, recognises that some disabilities, particularly those which affect cognitive function and mental capabilities, may vary with continued personal development or in response to treatment, but endure nonetheless. Blue Badges may therefore be awarded to an individual with a disability that is expected to endure in some way for the three-year badge issue period
- very considerable difficulty whilst walking reflects that, for some people with non-visible (‘hidden’) disabilities, problems occur when they are walking during the course of a journey, rather than as a direct result of the physical act of walking. This subtle change in wording allows for such problems to be considered as reaching the level of ‘difficulty’ which qualifies them for a Blue Badge, while maintaining eligibility for people whose difficulties are more directly linked to the physical problems they have with walking itself, and/or any pain they experience whilst walking, or as a result of the effort of walking. The words ‘very considerable difficulty’ may be understood as suggesting that the purpose of issuing a Badge should be to enable the applicant to undertake journeys that would not otherwise be possible, or which are only possible with very considerable difficulty.
- very considerable psychological distress has been included as an example of the kind of difficulty an individual may experience when they are walking during the course of a journey, which can be unrelated to their physical ability to walk

Blue Badge Scheme Local Authority Guidance (England) (August 2019) References

Type 2: 'Eligible subject to further assessment'

The 'eligible subject to further assessment' criteria

4.26 People who may be issued with a badge after further assessment are those who are more than two years old and may be described as one or more of the following:

- a person who drives a vehicle regularly, has a severe disability in both arms and is unable to operate, or has considerable difficulty in operating, 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 which causes them, during the course of a journey, to:
 - be unable to walk;
 - experience very considerable difficulty whilst walking, which may include very considerable psychological distress; or
 - be at risk of serious harm when walking - or pose, when walking, a risk of serious harm to any other person

4.27 Persons needing such certification are those in whose case a local authority does not consider it self-evident that they fall within these descriptors. (See regulation 4 (3A) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000. (S.I.2000 No.682).

If it is not self-evident to a local authority on the basis of the information available to them, from the applicant and health or social care practitioners, whether the applicant falls within these descriptors, then a referral should be made to an expert assessor for certification.

4.28 Any of the above three types of difficulty whilst walking could potentially be caused by a physical disability, or by a non-visible ('hidden') disability. In either case, the disability experienced by the applicant must endure for at least three years.

4.36 In respect of physical disabilities and/or non-visible ('hidden') conditions, only where a local authority cannot satisfy itself that an applicant meets, or does not meet, the eligibility criteria, based on the evidence provided by the applicant would it be expected to appoint an 'expert assessor'. Most applicants would reasonably be expected to demonstrate a health/social care history that is consistent with having an enduring and substantial disability that causes them very considerable difficulty when walking between a vehicle and their destination, therefore it is anticipated that appointing an expert assessor would be by exception.

Role of expert assessor

4.37 The role defined in regulation 2(1) of the Blue Badge scheme regulations 16 confirms that an expert assessor needs to be someone who is recognised by the local authority to which the application for a disabled person's badge:

- is recognised as having a professional qualification recognised in the United Kingdom which enables them to diagnose, treat, or provide specialised therapeutic services to people with the same, or a similar, disability to that of the applicant; and
- is recognised as having the necessary expertise to assess the presence, in the applicant, of any of the effects listed at paragraph 4.26, resulting from their disability on their capacity to walk during the course of a journey
- is not employed or engaged by any person as a General Practitioner (GP) for the provision of medical services to the applicant

- is not, in the opinion of the local authority, precluded by reason of their relationship with the applicant from providing an impartial assessment of whether or not the applicant meets the prescribed criteria at paragraph 4.26

4.64 Local authorities will also need to be satisfied that such difficulties cannot otherwise be managed through reasonable coping strategies. For example, where an applicant would only ever be accompanied by another person and that negates ‘very considerable’ difficulty, a badge would not help the applicant.

4.65 In considering coping strategies, local authorities should consider whether existing strategies are being adopted and are effective (i.e. they may work, but they may require significant time to be invested on the part of the applicant), and whether a Blue Badge would be an effective ‘coping strategy’ in its own right. Importantly, journey avoidance should not be considered an appropriate coping strategy.

4.80 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 should be applied to all applicants equally, whether their disability is visible or non-visible (‘hidden’).

4.86 Research commissioned in 2019 by the DfT to support the development of this guidance suggested that it could be reasonable for local authorities to consider that the frequency with which an applicant experiences very considerable difficulty whilst walking during the course of a journey, or presents a risk of serious harm to themselves/others when walking during the course of a journey, should be ‘more often than not’ when determining eligibility for a Blue Badge.

4.89 Other general considerations for local authorities to consider when determining badge applications in relation to the ‘subject to further assessment’ criteria include:

- An applicant’s ability to carry parcels and luggage, or to follow a journey independently, are not to be considered;
- It is not appropriate to refuse an applicant a Blue Badge solely on the basis that a future medical intervention could improve their mobility. If, at the time of assessment, the applicant is deemed to have a substantial disability that will last for at least three years (i.e. is enduring) which causes them, during the course of a journey, to suffer one of the prescribed effects, then they should be issued with a badge and reminded of their duty to return it if their mobility improves;
- That eligibility for the Blue Badge scheme is not solely determined by the presence or absence of any particular diagnosis or condition. People may be deemed eligible for a badge if they have an enduring and substantial disability which causes them, during the course of a journey, to be unable to walk, experience very considerable difficulty whilst walking and/or pose a risk of serious harm to themselves or others when walking;
- Local authorities should, on a case-by-case basis, consider the extent to which a Blue Badge will assist an applicant with the nature of difficulty they experience whilst walking. The primary benefit conferred on a Blue Badge holder is the ability to park close to a destination. If this will not assist an applicant with the difficulties they experience, then a local authority should consider this in its eligibility decision-making;

4.90 Local authorities can choose to accept evidence from GPs in support of applications, provided this is not the only source of evidence that is used to determine the eligibility of a Blue Badge application. A GP cannot fulfil the role of 'expert assessor'. As such, input from an applicant's own GP may be considered helpful where it contextualises the applicant's lived experience of their disability in the absence of input from other suitably qualified health or social care professionals.

4.105 Expert medical and social care professionals consulted through the 2019 research study indicated a preference for receiving a written request seeking their insight, accompanied by either a link to an online survey or a freepost return form for completion and return. They also suggested that a response timeframe of 4-6 weeks would be reasonable. In practice the most appropriate response mechanism, and timeframes, are expected to reflect the makeup of local authority health and social care arrangements.

4.107 In some cases, it may be appropriate to seek additional insight from an applicant's GP, since they may be familiar with how the individual's non-visible ('hidden') disability affects them whilst walking. However, insight from the applicant's own GP cannot be the only source of evidence, nor can an applicant's GP fulfil the role of an 'expert assessor'.

6.1 Under regulation 8 of the 2000 Regulations (SI 2000/No 682) 19 (as amended by (SI 2011/2675)), a local authority may refuse to issue a Blue Badge if:

- a) 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)
- b) the applicant fails to provide the local authority with adequate evidence of their eligibility, either as an individual or as an eligible organisation
- c) the applicant fails to pay the fee chargeable for the issue of a badge (if a fee is required by the issuing authority)
- d) the local authority (i) has reasonable grounds for believing that the applicant 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
- e) the applicant fails to provide evidence of residency
- f) the applicant already holds a valid badge issued by another issuing authority
- g) a report from an expert assessor confirming an applicant's eligibility has not been made available to that local authority in a form that is satisfactory to them

Gaining useful insight from the application form

15.53 Trained administrative staff review application responses received in relation to the scheme eligibility criteria. In doing so they seek evidence of:

- Examples of how the applicant's enduring and substantial disability affects them when walking during the course of a journey in such a way that they could be considered to present a risk of causing serious harm to themselves or others when walking. In the context of walking between a parked vehicle and a destination this could include, but would not necessarily be limited to, the applicant:
 - Becoming physically aggressive towards others, possibly without intent or awareness of the impact their actions may have;
 - Refusing to walk altogether, dropping to the floor, or becoming a dead-weight;
 - Wandering off or running away, possibly without awareness of surroundings or their associated risks (e.g. nearby roads, car park environments);
 - Disobeying, ignoring and/or being unaware of clear instructions;
 - Experiencing very severe or overwhelming anxiety (e.g. through hypervigilance);

- Experiencing an overwhelming sense of fear of public/open/busy spaces;
- Experiencing serious harm or causing serious harm to others;
- Avoiding some/all types of journeys due to the kinds of experiences listed above.
- How commonly the applicant experiences such difficulty, or risks causing such harm, when walking during the course of a journey, and the potential consequences for the applicant/others.
- Whether any coping strategies are effective in practice.
- Which health or social care practitioners involved in the applicant's diagnosis and ongoing treatment could be contacted to provide further insight.
- Any relevant supporting evidence (diagnosis letters, care plans, patient summaries, education health and care (EHC) plans) which may support the application and mean there is no need to seek further insight.

Recording the most appropriate assessment approach

15.54 Trained administrative staff record the assessment process that is to be applied to this application, seeking advice from a team leader or healthcare professionals involved in the design of the process in the event they are uncertain of the most appropriate next steps. The follow-up process could include any combination of:

- Contacting the applicant, or the person who completed their application form;
- Cross-checking with existing local authority health and social care records wherever possible;
- Contacting medical, health/social care practitioners, such as specialist nurses or care workers, (who may be familiar with the applicant) to seek further insight about the applicant's condition and how it affects them when walking;
- Referring the applicant for an in-person assessment carried out for certification by an 'expert assessor' (if appropriate). In some cases, the assessment approach may need to be iterative, with each stage of enquiry informing the next.

Seeking insight from relevant professionals

15.55 Local authorities consider evidence provided with the application from those professionals regularly involved in the care of the applicant such as specialist nurses or social workers. Where necessary, further information may be sought from such sources in writing or by telephone, potentially using a proforma similar to the model proforma set out in Appendix H. Only where a local authority is not satisfied that it is self-evident on the basis of information already gathered that an applicant meets the eligibility criteria would it be expected to appoint an 'expert assessor', to certify an applicant's eligibility.

15.56 Before doing so they take the following into consideration in relation to the impact that enduring and substantial non-visible ('hidden') disabilities appear to have upon the applicant when walking during the course of a journey:

- Whether information provided by the applicant, or on their behalf, suggests that they are not likely to meet the relevant eligibility criteria:
 - Where this is the case it may be appropriate to either call the applicant to seek further information from them, or to refuse their application (subject to the provision of any additional evidence).
- Whether any written confirmations of diagnoses and/or behavioural summaries prepared by relevant health/social care professionals (and either provided by the applicant or identified through cross-checking of local authority records) offer sufficient evidence that an applicant meets/does not meet the relevant 'subject to further assessment' criteria:
 - Where this is the case, then there may be no need to refer to an 'expert assessor';

- However, it should be noted that eligibility for a Blue Badge is not solely determined by the presence or absence of any particular diagnosis or condition.
- How an applicant's identified behaviours or difficulties compare with key developmental milestones in relation to the individual's age:
 - This is likely to be particularly relevant in the context of children and young adults who experience learning disabilities;
 - It may also be a consideration for people whose disability is changing over time;
 - In all cases, such behaviours would need to reflect the impact of an enduring and substantial disability if the applicant is to qualify for a Blue Badge.
- Whether the view of an individual health/social care practitioner, or several, will be required to inform the local authority's decision-making on the applicant's eligibility for a Blue Badge:
 - The local authority should be prepared to contact any and all relevant health and social care professionals identified by an applicant, or request the applicant to do so where appropriate, in the event this is necessary to inform an objective determination of their eligibility to receive a Blue Badge;
 - In many cases of this nature, it is possible that the views of more than one health/social professionals may be required to provide the local authority with a holistic picture as to an applicant's eligibility; and
 - It is also expected that the applicant would identify such health/social care professionals through responses provided in their completed Blue Badge application.

15.57 Local authorities are expected to allow 4-6 weeks for this process to be completed. Where it takes longer it would be good practice to inform the applicant of any reasons for delay.

15.58 Where eligibility or ineligibility is self-evident following these steps, a decision may be taken by the local authority. However, if there remains any doubt an authority cannot issue a badge without formal certification from an 'expert assessor' as defined in the Blue Badge regulations.

Decision-making

15.59 A trained local authority decision-maker (which may be an administrative team member, team leader, OT/Physio) cross-references all of the information provided in the applicant's response and supporting evidence, along with any supplementary insights from relevant health/social care practitioners, such as a specialist nurse or social worker, involved in the diagnosis and treatment of the applicant's condition.

15.60 Evidence and insights from different sources are compared for consistency and considered in the context of the 'subject to further assessment' criteria defined in the scheme regulations and explained in section 4 of this guidance.

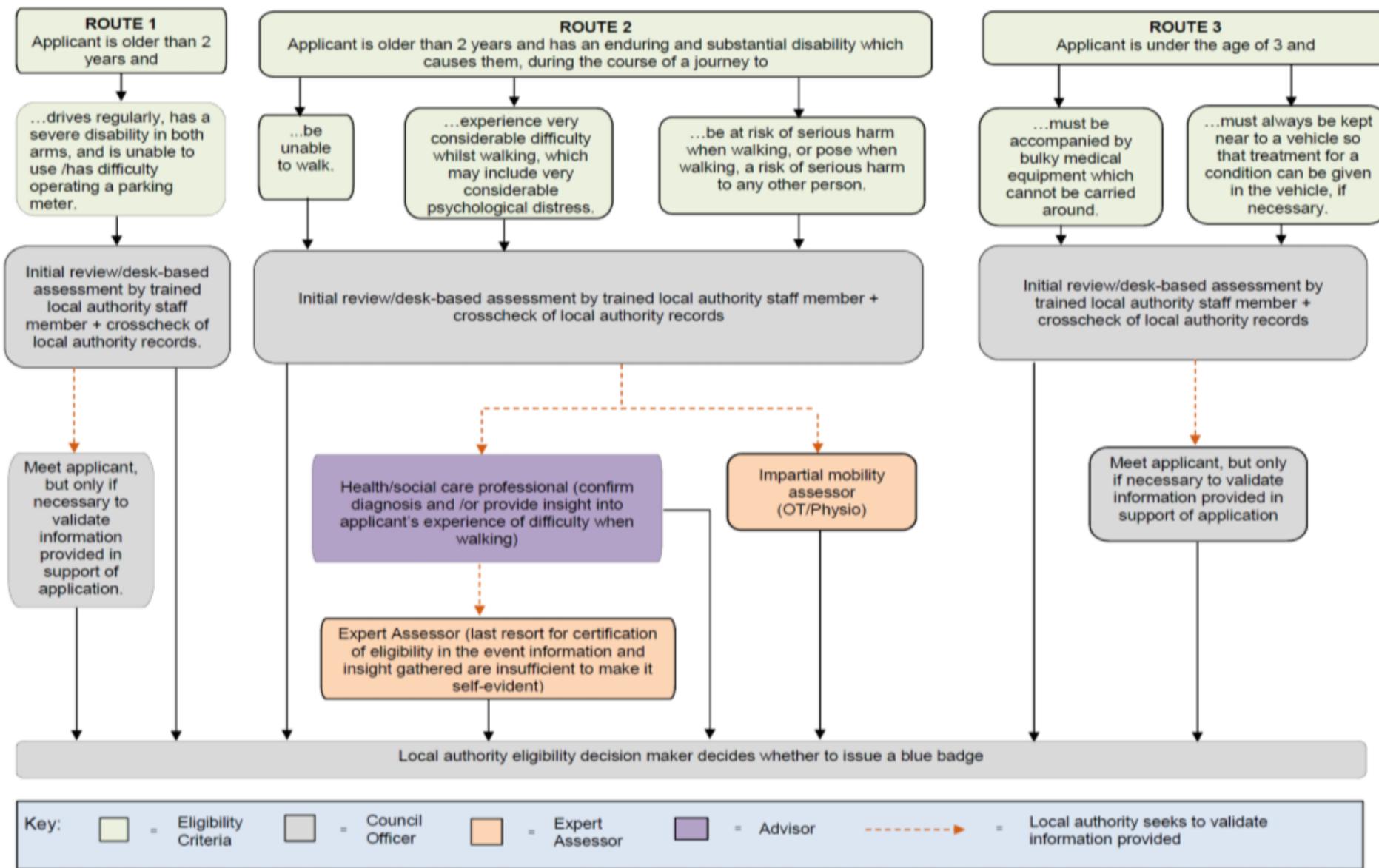
15.61 The decision maker will consider each aspect of walking difficulty first in isolation, and then in combination, to reach a holistic decision as to whether they combine to mean the applicant could present a real risk of causing harm to themselves/others when walking. When considering the evidence and insights available to them, the decision maker will also need to:

- Satisfy themselves that no practical coping strategies could be adopted which might render the need for a Blue Badge unnecessary in most circumstances;

- Consider any views from healthcare professionals involved in the applicant's ongoing care as to the relevance of a Blue Badge to the individual's agreed treatment plan, and whether receipt of a badge would be in the applicant's best interests;
- Consider the degree of severity and likelihood of any risks associated with serious harm to the applicant/others when they are out walking. Receipt of a Blue Badge would be expected to significantly reduce such risks, thereby enabling an applicant to make journeys in greater safety and/or complete journeys that they would not otherwise be able to undertake.

15.62 In the event that an administrative member of a local authority Blue Badge team is unable to reach a decision (for example in particularly complex cases, or where a diagnosis has not already been reached by healthcare professionals), it is strongly recommended that certification by an 'expert assessor' who routinely applies clinical reasoning (such as those set out in Table 4.1) is sought in order to review the evidence and insights collated on behalf of the local authority.

Appendix K: Flow chart - subject to further assessment criteria



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Councillor Briefing on Blue Badges
Prepared by Adult Social Care
06 February 2020

Purpose of the briefing

From 1st September 2019 changes were made to the Blue Badge criteria to include *hidden disabilities*. This briefing explains the changes to the Blue Badge criteria to aid you in discussions with your constituents.

Definition of hidden disabilities

This will include conditions such as dementia, learning disabilities, mental illness, anxiety disorders, autism. However, a diagnosis on its own does not automatically entitle an individual to a Blue Badge.

The Department for Transport (DfT) describes the need for Blue Badge under a hidden disability as including “people who cannot walk without considerable psychological distress or risking serious harm”.

Criteria

Automatic criteria (without further assessment)

One or more of the following:

- Higher rate of mobility component of Disabled Living Allowance
- Receives the mobility component of Personal Independence Payment (PIP) and has obtained 8 points or more under ‘moving around’ mobility component of PIP
- Receives the mobility component of PIP and has obtained 10 points specifically under “planning and following journeys: cannot undertake any journey because it would cause overwhelming psychological distress to the claimant”
- Severely sight impaired
- Receives War Pensioners Mobility Supplement
- Tariff 1-8-Armed forces compensation scheme and certified as having a permanent disability affecting ability to walk.

Discretionary criteria (eligibility subject to further assessment)

A person who has an enduring and substantial disability which causes them, during the course of a journey to;

- be unable to walk; or
- experience very considerable difficulties whilst walking, which may include very considerable psychological distress; or
- be at risk of serious harm when walking; or pose, when walking, a risk of serious harm to any other person.

Further guidance is provided by the DfT and guides the decision-making process.

The DfT expects that, in the context of disabilities that are predominately non-visible (“hidden”) in nature, a risk of serious harm to self or others could manifest as one of more of the following behaviours:

- Becoming physical aggressive towards others
- Refusing to walk altogether, dropping to the floor
- Wandering off or running away

- Disobeying, ignoring or being unaware of clear instructions
- Experience very severe or over whelming anxiety
- Experiencing an overwhelming sense of fear of public / open / busy spaces
- Experiencing serious harm or causing harm to others
- Avoiding some / all types of journeys due to the kinds or experiences listed above

The Blue Badge service needs to be satisfied that such difficulties cannot otherwise be managed through reasonable coping strategies e.g. the person needs to be accompanied anyway.

Blue Badge process

People are encouraged to use the website and complete the online application form. Alongside this the applicant should also provide supporting documentation to assist with the decision making. We do go back to individuals for further information / evidence as necessary to ensure that we have all available information.

The application will then be reviewed to determine if it meets the automatic or discretionary criteria. For discretionary applications for hidden disability, the application will go to an internal panel for consideration.

What happens if a Blue Badge is declined?

The person will be written to explaining the reason for the application being declined. At this point if the individual has further information, we will review the application.

If the application remains declined the individual has the right to make a complaint using the council's complaint procedure, at which point the situation will be investigated.

How to find out more

People can apply for a Disabled Person's Blue Badge via: <https://www.bracknell-forest.gov.uk/search#?cludoquery=blue%20badge&cludopage=1>

Please note we are currently updating the website.

If you have any enquiries of this nature, please contact Melanie O'Rourke, Assistant Director of Adult Social Care, melanie.o'rourke@bracknell-forest.gov.uk