

# 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) [£](#) 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 <sup>7</sup> or section 46 of the National Health Service (Scotland) Act 1978 <sup>8</sup> - 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) <sup>14</sup>.

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

- risk of serious harm reflects that some non-visible ('hidden') disabilities give rise to behaviour or lack of situational awareness that present safety risks for the disabled person or for others. Where an expert assessor certifies that an applicant has an enduring and substantial disability which causes them to be at risk of serious harm in this way, then the local authority may issue a badge to them

## Appendix K

### Appendix K: Flow chart - subject to further assessment criteria

