

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

