

To: Executive
21 September 2021

Overview and Scrutiny Review of Blue Badges Report

Statutory Scrutiny Officer

1 Purpose of Report

- 1.1 To present the Executive with the findings of the Wellbeing and Finance Overview and Scrutiny Panel's review into the blue badge application process which have been endorsed by the Overview & Scrutiny Commission, and to seek approval of the Panel's recommendations.
- 1.2 To provide the advice of the Executive Director: Delivery in his role as Statutory Scrutiny Officer (SSO) to inform the Executive's decision whether to agree the Panel's recommendations.

2 Recommendation

- 2.1 **That the Executive considers whether to agree the Wellbeing and Finance Overview & Scrutiny Panel's recommendations 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 and Executive 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 Executive could decide:
 - to agree both recommendations as set out in the Panel's report
 - to agree the recommendations in part
 - to ask for further work to be undertaken recognising that this would delay the Panel's next piece of work

- to note the Panel report

5 Supporting Information

- 5.1 The Overview & 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 & 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 The Commission considered the two Panel recommendations which are outside the scope of the departmental review and endorsed them for referral 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 endorsing the Panel's recommendations the Commission took account of the Statutory Scrutiny Officer's views. In summary, these were that the initial analysis that lead 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 previous Chair of the Wellbeing and Finance Overview and Scrutiny Panel, 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 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

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