

# 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.

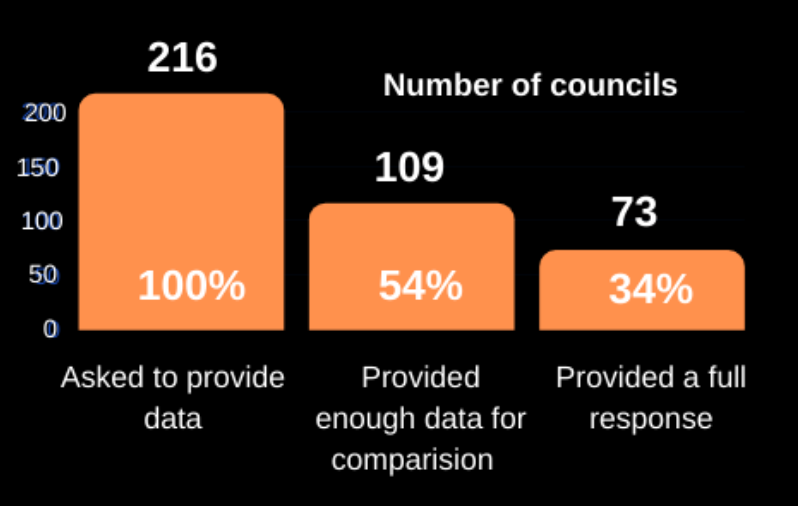
#### Non-visible complaints

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 94<sup>th</sup> 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 <sup>1</sup>	58 <sup>2</sup>	25	4.2 <sup>3</sup>
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

<sup>1</sup> based on 178 councils who provided this data

<sup>2</sup> based on 116 councils who provided this data

<sup>3</sup> 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.

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*“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***

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**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**

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

## **Contributors to the review**

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<b>Ollie Sirrell</b>	(Former) Local Democracy Reporter, Bracknell News
<b>Blue badge applicants from Bracknell Forest</b>	
<b>Andrea McCombie-Parker</b>	Chief Executive, The Ark Trust
<b>Sarah Piercey</b>	Assessment Team Manager, Manchester City Council
<b>Lauren Grosvenor</b>	Blue Badge Team Manager, Lincolnshire County Council
<b>Gordon Smith</b>	Head of Blue Badge Service and Enforcement, Hampshire County Council
<b>Angela Armstrong</b>	Scrutiny and Legal Support Officer, Hartlepool Borough Council
<b>Judy Trainer</b>	Team Leader Scrutiny and Electoral, Stockton-on-Tees Borough Council
<b>Earl Piggott-Smith</b>	Scrutiny Officer, City of Wolverhampton Council
<b>Jen Lawson</b>	Governance and Scrutiny Officer for this review, Bracknell Forest Council

