

**SUNDERLAND CITY COUNCIL
PROVISION OF BLUE BADGE PARKING PERMIT – POLICY STATEMENT
FEBRUARY 2017**

PURPOSE

Sunderland City Council ensures it supports the mobility needs of its residents through the provision of Blue Badges to those who are eligible to receive one.

The provision of the badge is a joint venture between Corporate and Peoples Services.

This policy outlines

- The circumstances in which a Blue Badge can be awarded
- How the Blue Badge will be issued after eligibility to receive has been established
- How the Blue Badge can be renewed and maintained for prolonged use

ACCESSING THE SERVICE

Initial application can be made on line through the government website Apply for or Renew a Blue Badge (<https://www.gov.uk/apply-blue-badge>). Any application made via this pathway will then be passed to the council for further progression, which may be through an initial telephone assessment.

Alternatively, applicants can make direct contact with the council by telephone in order to establish their eligibility and where appropriate commence this assessment.

ELIGIBILITY CRITERIA

There is a national criterion for the provision of Blue Badges outlined by the Department of Transport.

A badge may be awarded without further assessment where the person:

- a) receives the Higher Rate of the Mobility Component of the Disability Living Allowance;
- b) receives a Personal Independence Payment for being unable to walk further than 50 metres (a score of 8 points or more under the 'moving around' activity of the mobility component);
- c) is registered blind (severely sight impaired);
- d) receives a War Pensioner's Mobility Supplement;
- e) has received a lump sum benefit within tariff levels 1-8 of the Armed Forces and Reserve Forces (Compensation) Scheme and has been certified as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.

A badge may be awarded subject to further assessment, where the applicant is more than two years old and falls within one or more of the following descriptions:

- 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
- Has a permanent and substantial disability that causes inability to walk or very considerable difficulty in walking.

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.

ISSUE OF BLUE BADGES WITHOUT FURTHER ASSESSMENT

Where an applicant is found to meet the criteria for award of a blue badge without further assessment, the customer will be asked to

- give proof of any qualifying benefit
- make payment of the fee associated with the award
- submit two passport photographs.

Once the Council is in receipt of the above, the blue badge will be posted to the applicant at their home address.

ISSUE OF BLUE BADGES WITH FURTHER ASSESSMENT

Applicants who do not meet the criteria for issue without further assessment will be asked to participate in an initial telephone assessment. This is a standardised assessment, based on guidance provided by the Department for Transport, in its publication, "The Blue Badge Scheme Local Authority Guidance (England)", 2014.

Where it is clear that the applicant either meets or does not meet eligibility criteria, they will be informed of this immediately at the end of the assessment.

Where the eligibility of the applicant remains unclear, the advocate will provide the applicant with an appointment for a further telephone conversation, and refer the applicant to the Occupational Therapy Service who will call the applicant at the allocated time in order to review the outcome of the assessment.

As a result of this conversation, where the therapist feels the outcome of the assessment remains unclear, the applicant will be offered a functional assessment of mobility and the Occupational Therapist will arrange an appointment for this at the end of the call.

The Occupational Therapist is a health professional with experience and knowledge of physical disability and mobility related problems and is considered competent to carry out the mobility assessment.

This assessment provides the evidence to suggest that the person has, or has not met the criteria provided by the Department of Transport.

There is no national, standardised assessment format and locally the assessment that is carried out requires the person to demonstrate their ability to mobilise over a measured distance that is in accordance with national guidelines.

As part of the assessment, applicants are

- Informed of the assessment format
- Informed of the risks to their health and safety as a result of participating in the assessment itself
- Asked to give consent to involvement in the assessment
- Advised of the necessity to inform the Occupational Therapist of any reason they should not be asked to participate in the assessment that would not also prevent them from being able to make use of a Blue Badge
- Advised of the necessity to inform the Occupational Therapist if, having considered the Department of Transport's criteria, they do not feel they meet the eligibility requirements
- Advised of the necessity to inform the Occupational Therapist should they feel their ability to continue with the mobility assessment is impaired

The assessment takes into consideration

- The nature of the person's disability
- Their method of mobilising
- Their actual ability to walk, including any discomfort, breathlessness, balance or co-ordination problems

Applicants will be asked to participate in an outdoor mobility assessment, unless weather conditions indicate that this would pose undue health and safety risks to the applicant and/or the Occupational Therapist.

Where it is necessary to conduct an indoor assessment, the assessor has the professional skills to be able to determine the extent to which the person might experience difficulty when attempting to mobilise on any given type of surface.

Where an applicant is found to meet the criteria for award of a blue badge following assessment, the applicant will be advised of this and asked to contact the Council's Customer Services Network in order to

- make payment of the fee associated with the award
- submit two passport photographs.

Once the Council is in receipt of the above, the Blue Badge will be posted to the applicant at their home address.

EXCEPTIONAL CIRCUMSTANCES

1. All Blue Badges must be issued with a photograph that is a current likeness of the applicant, in order to ensure appropriate use of the badge. Applicants are advised that the badge is awarded to them and not the vehicle in which they are transported. Therefore it is necessary to be able to identify the badge to its owner in order to minimise instances of misuse.

Where the applicant has a facial disfigurement, it may be possible for the service to exercise some discretion with regard to the photograph. Each instance of this kind will be considered in its own right.

2. It is not possible or appropriate to offer home assessments where this is the only service the applicant requires from the Occupational Therapy Service.

It is necessary for the applicant to demonstrate their ability to access the assessment centre and therefore demonstrate their ability to make use of the badge on issue.

It may be possible for the service to exercise discretion and undertake the assessment in the home environment, in instances where it is possible for the applicant to provide evidence of

- The necessity to attend ongoing medical treatment as a result of a terminal illness, and
- Where to leave the house for any reason other than medical treatment would cause undue stress and/or exacerbate the medical condition

Applicants should advise the Occupational Therapist of this at the point of arranging the assessment.

3. In instances where the applicant is receiving other services from the Occupational Therapy Service, a blue badge mobility assessment may be carried out as part of the overall involvement of the Therapist. This assessment will be arranged directly by the applicants therapist and will be undertaken by the therapist at the assessment centre.

FAILURE TO ATTEND AN APPOINTMENT

Where applicants fail to attend an appointment and have not notified the Occupational Therapist of their inability to attend, no further appointment will be arranged and the application will be considered terminated.

Where applicants notify of an inability to attend an appointment, the therapist will make an alternative arrangement.

ISSUE OF ORGANISATIONAL BADGES

Organisations may also be eligible for a blue badge providing they meet the criteria.

- The business of the organisation cares for and transports disabled people who would themselves meet one or more of the eligibility criteria for the award of an individual Blue Badge; and
- Has a clear need for an organisational badge rather than using the individual Blue Badges of people it is transporting.

Applicants can make direct contact with the Customer Services Network by telephone, and supported to complete a telephone assessment. The assessment is standardised and based on DfT guidance.

Where the application is found to be eligible, the organisation will be asked to provide a signed declaration on the organisation's letter-headed paper, stating that they are an organisation concerned with the care of disabled people (who would meet one or more of the eligibility criteria prescribed in the regulations that govern the Blue Badge scheme) and that they will be using the vehicle solely for the purpose of transporting those people. This should be signed by a Board Member or Trustee of the organisation.

Where the eligibility of the applicant remains unclear, the advocate will provide the applicant with an appointment for a further telephone conversation, and refer the applicant to the Occupational Therapy Service who will call the applicant at the allocated time in order to review the outcome of the assessment.

RE-APPLICATION PROCESS

According to guidance, the maximum period of issue for a Blue Badge awarded following further assessment is three years. It is the responsibility of the badge holder to be aware of the expiry date for their badge and submit a further application if they wish to be considered again for award of the badge.

The process for establishing eligibility is the same for returning applicants as it is for new applicants.

APPEALING AGAINST THE OUTCOME OF AN ASSESSMENT

In order to appeal against the outcome of an assessment, the applicant must write to the Occupational Therapy Service at one of the following addresses

Blue Badge Review Team, Independent Living Centre, Claymere Rd, Sunderland SR2 9TS

Or

bluebadgereview@sunderland.gov.uk

On receipt of the written appeal, the detail of the appeal will be reviewed by two senior clinicians with managerial responsibility and an outcome agreed that may include

- Invitation to attend a functional assessment of mobility

- A decision to issue a Blue Badge to the applicant
- A decision to request further information to support the information provided by the applicant
- A decision that eligibility cannot be evidenced and therefore the badge cannot be awarded

The applicant will be informed of the outcome of the review by telephone or in writing and advised of next steps where a badge is being awarded.

DEREGISTRATION OF BADGES

The council needs to ensure that its records in respect of Blue Badges are accurate, therefore where a badge runs over its expiry date it will be de-registered within the IT system.

Badge holders are allowed a period of one month after the expiry date before the badge is formally de-registered.

Badges will also be deregistered where the council has been notified, or become aware of the death of a current badge holder or the conviction of a badge holder for an instance of misuse.

REPLACEMENT BADGES

There maybe occasions when a replacement badge may be required. A replacement badge will only be considered for the following reasons

- Loss
- Theft
- Damage

Under no circumstances will a duplicate badge be issued for any other purpose.

Where a person finds that their badge has been lost, stolen, or damaged and there is a need for a replacement then the Applicant must inform the police in order to obtain a crime reference number. The customer must also inform the Council. They will be asked to complete a form which must be returned to the Council and make a further payment in order to cover the costs of reissuing the badge.

The badge will then be issued; however, it is important to note that the expiry date of the badge will be the same as the previous one for example if the old badge expired in October 2018 then the replacement badge will expire on the same date.

Once a replacement badge has been issued the old badge will be de-registered and details of the deregistration will be passed to the Council's Parking Enforcement Team for their information and use. It is therefore important to understand that should a lost or stolen badge be recovered it must be returned to the Council immediately as to continue use the badge is an offence and could lead to prosecution.

DEREGISTRATION OF AN EXISTING PARKING PERMIT DUE TO MISUSE OF THE SCHEME

The Council has a duty to ensure that the Blue Badge Scheme is operated in accordance with Department of Transport guidance.

Badges can be abused in a multitude of ways and it is important that local authorities remain vigilant at all stages of the issuing/enforcing process. The following is not an exhaustive list, but illustrates several ways in which badges can be misused, from minor to more serious transgressions:

By the badge holder

- Parking in the wrong place or parking for too long where there is a time limit
- Use of a badge that is no longer valid
- Use of a badge that has been reported as 'lost' or 'stolen'
- Letting a friend or relative use the badge without the badge holder being present
- Use of a copied badge
- Altering the details on the badge, for example, the expiry date
- Making a fraudulent application (e.g. providing false information on the application form)
- or using a badge obtained fraudulently.

By a third party:

- Using someone else's badge (with or without the badge holder's knowledge) without the badge holder being present in the vehicle i.e. when arriving or leaving a location
- Using a badge belonging to someone who has died
- Copying, altering or faking badges
- Using a stolen badge
- Using a fake badge

The authority has the ability to prosecute, issue Penalty Charge Notices, seize the badge for a period of time and ultimately de-register the badge in the appropriate circumstances.

Enforcement officers will inspect and retain a badge without police presence if they have reasonable grounds for believing that the badge:

- is a fake; or
- has already been cancelled e.g. because it was reported lost or stolen; or
- should have been returned to the issuing authority (e.g. because it has expired, the holder has died)
- the holder is no longer disabled
- a replacement has been issued
- the badge has become damaged/faded
- the authority has written to the holder requesting return of the badge either following a relevant conviction for misuse or because it was obtained by false representation); or
- is being misused (including by someone other than the holder when the genuine holder is not involved in the journey i.e. present when the vehicle arrives or leaves a location).

The officer will produce identity evidence of his/her authority to take this action if exercising their power to do so. Whenever misuse or abuse of a badge is suspected, the Civil Enforcement Officer should deal with the badge holder in a sensitive manner.

Under section 21(4BA) of the Chronically Sick and Disabled Persons Act 1970 ("the 1970 Act"), an enforcement officer can approach a person in a vehicle displaying a Blue Badge (or a person who appears to have been in or to be about to get into, the vehicle) and require them to produce the badge for inspection. Typically this would be done to check the detailed information and the photograph of the badge holder on the back of the badge, in order to verify whether the badge is being used by the correct person.

A badge can only be permanently withdrawn from use if a relevant conviction for misuse has been obtained or if the badge was obtained by false representation. The act of returning the badge does not prevent the Council from pursuing a conviction if this is an appropriate course of action.

Each individual instance of misuse will be assessed and the Council will make a decision made in respect of the most appropriate means of responding to the situation.

Concerns regarding the potential misuse of a Blue Badge can be reported to the Council through the Customer Services Network or in writing.

In the first instance, the detail of the concern will be passed to the Parking Enforcement Team who will investigate to the best of their ability and consider the potential to take any appropriate action.

Where it is not possible for the Parking Enforcement Team to act, the detail of the concern will then be passed to the Occupational Therapy Service who will investigate to the best of their ability and consider the potential to take any appropriate action. Where there is sufficient evidence to suggest the authenticity of the report, the Badge Holder will be contacted and reminded of the conditions of the Blue Badge Scheme and the necessity to adhere to guidelines and of the potential action that could be taken if the rules are not adhered to in future. See appendix 1.

Where evidence is gathered indicating that the badge holder may have made a fraudulent claim for any benefits they receive, relevant information will be passed to the Department of Works and Pensions for their consideration.

Where evidence is gathered indicating that the mobility of the badge holder may have improved beyond the eligibility threshold for issue, the badge holder will be invited to attend a functional mobility assessment with an Occupational Therapist. See appendix 2.

Where the Council is made aware of general traffic violations by a Blue Badge holder, the matter will be referred to the Parking Enforcement Team.

Where the Council is made aware of two such instances, relating to the same blue badge, the Badge Holder will be contacted and informed of the seriousness of the situation and the intention of the Council to de-register the badge.

Where a Civil Enforcement Officer comes across an instance of potential Blue Badge misuse they will challenge the person using the badge and where appropriate, withdraw the badge from use.

In both of the instances highlighted above, the badge holder will be notified in writing of the Council's intention to de-register the badge within 14 days and invited to attend an appointment with an Occupational Therapist in which they will be given the opportunity to appeal against this decision. It may be appropriate to invite the badge holder to undertake a further assessment of functional mobility at this appointment.

Following this appointment, the detail of the appeal will be reviewed either

- by two senior clinicians with managerial responsibility from within the Occupational Therapy Service where the nature of the misuse relates to the applicants eligibility to receive the award

or

- two managers from the Parking Enforcement Team where the nature of the misuse relates to the applicant's adherence to parking regulations

The badge holder will be notified in writing of the decision to either de-register or return the badge, and if appropriate, the badge will be enclosed with this letter.

Where the badge holder does not attend the appointment, the badge will be de-registered without further contact.

SHARING OF INFORMATION

Applicants should also be advised that when applying for a Blue Badge they are agreeing that the information provided by them in relation to

- The identity of the badge holder
- The Gender of the badge holder
- The age of the badge holder
- The address of the badge holder
- The date the badge was issued
- The expiry date of the badge
- Under which criterion the badge was issued – automatic, assessed or organisational

May be shared with other agencies considered appropriate. An example of these being

- Other Local Authorities – Traffic Management Sections
- Department for Works & Pensions

This information will only be shared once the authenticity of the request for information has been established and only for the purpose of prevention or to assist in the detection of infringements of parking regulations or fraudulent claims for benefits

Appendix 1 – Conditions of Issue

Dear

Re – Blue Badge Conditions of Issue

We have received information from a third party, that gives cause for concern that your blue badge may have recently been subject to an incidence of misuse.

We would like to take this opportunity to remind you of the terms and conditions against which, your blue badge had been issued to you.

It is a criminal offence for you or anyone else to misuse the badge, and doing so could lead to a £1,000 fine and confiscation of the badge. Misuse includes people other than the badge holder taking advantage of the parking concessions provided under the scheme.

The badge is for your use and benefit only. It must only be displayed if you are travelling in the vehicle as a driver or passenger, or if someone is collecting you or dropping you off and needs to park at the place where you are being collected or dropped.

You must never use a copied badge to park or attempt to alter the details on a badge.

You must never allow other people to use the badge to do something on your behalf, such as shopping or collecting something for you.

You must never give the badge to friends or family to allow them to park for free, even if they are visiting you.

I need to remind you that the badge remains the property of the issuing local authority, who can ask for the badge to be returned if it is being misused.

If you have any further questions or concerns around the way in which to use your badge, please do not hesitate to contact the council on xxx

Yours Sincerely

Appendix 2 – Invitation to attend a functional mobility assessment following a report of misuse.

Dear

RE: Blue Badge Eligibility

Our records indicate that you were issued with a Blue Badge on [insert date]. Your badge was issued based on your [insert reason: walking ability], which meant you fulfilled the following criteria:

A permanent (i.e. likely to last for the duration of a person's life) and substantial disability that means they cannot walk, or means they have very considerable difficulty walking.

The Blue Badge Scheme Local Authority
Guidance (England) Department for
Transport, October 2014

At the point of application, you consented to a number of conditions, one of which outlined your responsibility to inform your Local Authority of any changes that may affect your entitlement to a badge.

It has been brought to the attention of the Local Authority that it is possible your mobility has improved since the time of your assessment and you may no longer satisfy the criteria, as stated above.

In order to investigate this further, we would like to invite you to the Independent Living Centre on [insert date/time] at [insert location] whereby your circumstances will be assessed by an Occupational Therapist.

If you are unable to attend, please contact the Blue Badge Review Team at [insert email address] or via [insert telephone number].

Thank you.