

Blue Badge: change of eligibility criteria

1. Personal details

1. Your:

name?

email?

2. Are you responding: *

as an individual? (Go to 4. Proposal for expanding eligibility criteria)

on behalf of an organisation (Go to 2. Organisational details)?

2. Organisational details

3. Name of organisation? *

4. Your type of organisation is? *

Local authority (Go to 4. Proposal for expanding eligibility criteria)

Disability group for people with non-physical disabilities (Go to 3. Affected numbers)

Disability group for people with physical disabilities (Go to 4. Proposal for expanding eligibility criteria)

Disability group for people with physical and non-physical disabilities (Go to 3. Affected numbers)

Other: (Go to 4. Proposal for expanding eligibility criteria)

3. Affected numbers

5. How many people who your organisation represents, within England only, do you think will become eligible for blue badges under this proposal by virtue of being unable to:

Your answer

undertake any journey without it causing very considerable difficulty when walking?

undertake any journey without there being a risk of very considerable harm to the health or safety of that person or any other person?

follow the route of any journey without another person, assistance animal or orientation?

4. Proposal for expanding eligibility criteria

We believe the scheme should be about enabling people to make journeys that would otherwise be extremely difficult. We propose to focus on the journey rather than just the physical act of walking. We are considering amending the criterion which relates to difficulty walking (described in paragraph 3.10 of the consultation document) to include: "a person who has an enduring and substantial disability the effect of which is that that person is unable to-

- i. walk;
- ii. undertake any journey without it causing very considerable difficulty when walking;
- iii. undertake any journey without there being a risk of very considerable harm to the health or safety of that person or any other person;
- iv. follow the route of any journey without another person, assistance animal or orientation aid."

6. Do you agree with this proposed new criteria? *

Yes (Go to 6. Eligibility assessor)

No (Go to 5. Proposal for expanding eligibility: your reasons and alternatives)

5. Proposal for expanding eligibility: your reasons and alternatives

7. Which part do you disagree with?

The BPA as an organisation supports providing a level playing field between those with physical and non-physical disabilities. Our disagreement with the proposals are based upon the potential result of their implementation, which this consultation does not seek to address. Significantly increasing the number of eligible people without considering the practical results, creates the conditions for confusion.

We have recently worked with students at London Southbank University to complete research around how the Blue Badge is used and administered across Europe. This work was identified by the European Parking Association (EPA) to ensure that the Scheme of Parking Concessions for people with disabilities, (the EU Blue Badge Scheme) is properly understood, deployed and used across the EU to ensure only those who have genuine need of a Blue Badge have access to designated spaces and facilities. If you would like more information on this research project, please contact us.

8. What is your alternative proposal and why?

We suggest that the practicalities of extending the scheme are considered at the same time as the review. Practicalities such as mandating an increase in spaces or consideration for the results of allowing more people to park on double yellow lines is likely to have on traffic movement. Further research is required to fully understand how the provision of considerably more blue badges than are currently issued could impact on the road network and the provision of parking. The BPA would be happy to assist with this research.

6. Eligibility assessor

Since 1 April 2012, the Government has required that where eligibility against the walking criterion is not self-evident and an expert opinion is needed to help determine eligibility, the local authority must use a mobility assessor who is independent of the applicant, rather than the applicant's GP. The assessor must hold a professional qualification which would enable them to assess a person's ability to walk and be recognised by the local authority as having the necessary expertise.

However, an independent mobility assessor may not be suitable for certifying whether or not a person's mental or cognitive disability has the impacts referred to in paragraph 3.21 of the consultation document. In the first place, the assessor would not be assessing the physical ability to walk. Furthermore, whereas a person with a physical disability can be adequately assessed without the assessor having prior knowledge of their disability, this may not be the case for a person with a non-physical disability. Often such an assessment would require knowledge of the person's functional limitations when

outdoors.

Therefore, to ensure fairness and parity – whether applicants have physical or non-physical disabilities - we believe it may be more practical to remove the requirement that an assessor be independent. This would allow a range of healthcare professionals with specific expertise (other than the applicant's GP) to undertake the assessments. Similar to now, we would propose that the eligibility assessor is recognised by the local authority as holding a professional qualification relevant to assessing the applicant's ability to undertake the journey and having the expertise necessary to carry out the assessment (proposed definition at Annex B).

9. Do you agree that where an expert opinion is required it should be provided by an eligibility assessor? *

Yes (Go to 8. Linking to Personal Independence Payment (PIP))

No (Go to 7. Eligibility assessor: your reasons)

7. Eligibility assessor: your reasons

10. Why?

11. What alternatives do you suggest?

8. Linking to Personal Independence Payment (PIP)

The new eligibility proposal in paragraph 3.21 of the consultation document applies to those who go to their local authority for assessment. However there is then a question about whether those people with non-physical disabilities should have an "automatic" or "without further assessment" route to a badge by virtue of receiving PIP.

Currently, people with a physical disability can apply for a badge under the 'without further assessment' route if they score 8 points or more under the 'Moving Around' descriptor within PIP. This score is awarded to people who cannot walk further than 50m

safely, repeatedly and to an acceptable standard. We believe this equates to the criterion in the Blue Badge regulations requiring a person to have "very considerable difficulty" walking. Consequently, we do not think it is fair to require them to undertake a further assessment by the local authority so "automatic" eligibility is granted.

If we were to widen Blue Badge eligibility to people with non-physical disabilities in the manner described in paragraph 3.21, we believe it might be fair and sensible to provide a similar link to PIP for people with non-physical disabilities to avoid unnecessary additional assessments. Subject to any changes that might be made to PIP criteria in the future, we propose providing an 'automatic' route to a badge for people who receive a PIP score of 12 points under the 'Planning and following journeys' activity. We have chosen this because 12 points equates to people who cannot follow the route of a familiar journey without another person, an assistance dog or an orientation aid and so closely matches the description in 3.21(iv) of the consultation.

12. Do you agree there should be automatic badge eligibility for people with non-physical disabilities who score 12 points under the PIP Activity - Planning and Following Journeys? *

Yes (Go to 10. Equality impact)

No (Go to 9. Linking to PIP: your reasons)

9. Linking to PIP: your reasons

13. Why not?

10. Equality impact

14. Do you believe the proposals in the consultation would disadvantage any particular group of disabled people? *

Yes (Go to 11. Equality impact: reasons)

No (Go to 12. Final comments)

11. Equality impact: reasons

15. Which proposals?

Expanding the eligibility criteria

Eligibility assessor

Linking to PIP

16. Which disability group or groups would the proposal(s) disadvantage?

The Blue Badge scheme already covers 2.4 million disabled people, by not considering the practical impact of expanding Blue Badge eligibility the consultation risks not only disadvantaging those who already qualify for a Blue Badge but also those whom it seeks to extend the scheme to.

17. Why?

The real-world implications of this consultation are too concrete to not be considered at the same time, particularly when the language used in the consultation is so positive towards the idea of making changes to the provision. There are over 2.4 million people currently covered by the existing scheme. It is important to consider how a potential increase in those who are eligible for the concessions provided by the Blue Badge, would impact upon the current provision for parking. Proper and thorough research could help determine the impact.

For example; together with DMUK, Revo (formerly the British Council of Shopping Centres (BCSC) and DfT, we undertook major research in 2009, which indicated that as part of the duty to allocate 6% of all parking spaces to disabled users as a one size fits all approach, this leads to oversupply in some situations and undersupply in others.

The current guidance, [Inclusive Mobility](#) published by the Department for Transport (DfT), is out of date with many of the figures inaccurate. This is leading in some places to the misuse of the designated bays. We would urge the DfT to update their guidance on the number of designated bays operators should be providing and are again, happy to support them in this undertaking.

Previous consultations with our members and those working in Blue Badge management and enforcement, have strongly reiterated the need for strict controls to be in place to avoid misuse, including regular assessments of people with a Blue Badge to ensure they remain eligible. Continued misuse and abuse of the Scheme means fewer spaces are available for genuine badge holders, bringing the scheme further into disrepute.

Every badge holder is in effect someone who is exempt from parking controls often provided for traffic management and road safety purposes. Consideration needs to be given as to how this thinking can be joined-up to provide greater consistency for all.

An increase in the number of badges may complicate the provision of parking leading to a regulatory and operational headache. We believe that any changes to eligibility arrangements would require some form of transition arrangements to smooth the process for all involved.

Furthermore, in private off-street car parking the Blue Badge scheme has no statutory value. Many operators provide designated spaces to comply with the Equality Act, with the badge accepted as proof of the motorist's eligibility to use these disabled spaces. Any future review

needs to present clear guidance, for off-street parking to minimise the risk of confusion over who is entitled to use a disabled space.

The issue identified above needs to be considered at the same time as eligibility requirements rather than being considered afterwards and then bolted on.

12. Final comments

18. What other comments or views on these proposals do you have?

We are always very willing to work with government to develop parking policy and are at your disposal to assist with any further information, advice or support in relation to this very important area of public policy.

We manage the Disabled Parking Accreditation (DPA) on behalf of Disabled Motoring UK (DMUK). The DPA is primarily aimed at improving parking for disabled people and reducing abuse of disabled spaces. It requires owners/operators to adopt an active management strategy to ensure that there is minimal occurrence of disabled bay abuse, that there are facilities suitable for disabled people, and that recognition is made of the extra time taken by disabled people in the form of a concession. The scheme, which recognises off-street parking facilities as accessible to disabled motorists, is now a lawful Certification Mark awarded to DMUK by the Intellectual Property Office (IPO), the official UK government body responsible for patents, designs and trademarks. For more information please see <http://www.dpaccreditation.org.uk/>

We actively contributed and informed the original Blue Badge Reform programme and the resultant Blue Badge Improvement Scheme (BBIS) and we are committed over the next 5 years to continue this work, as laid out on page 9 of our [Blueprint for Parking](#). We would welcome changes that would improve the service for Blue Badge holders and the efficiency of LAs enforcement of the scheme.

This consultation appears to have already made some assumptions and we recommend that rather than relying on anecdotal evidence, comprehensive research of users, operators and landowners should be carried out and we are willing to assist you with this.