

Consultation Response Document:

**Blue Badge Consultation: Summary of Responses and
Government Response**

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PART 1 - INTRODUCTION

1. On 21 January 2018, the Department for Transport (the Department) launched a public consultation about eligibility issues in relation to the Blue Badge (Disabled Parking) Scheme.
2. The current rules embrace all conditions, physical or otherwise, but it had become clear to us that the regulations and guidance were not clearly understood and that people with hidden disabilities were sometimes finding it difficult to access badges, even though their condition caused them very significant difficulties when undertaking a journey.
3. Eligibility under the current scheme is primarily aimed at those who have “a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking”. In order to ensure that those with the greatest needs have access to a Blue Badge, the consultation proposed to change that criterion to the following:

“a person who has an enduring and substantial disability the effect of which is that that person is unable to-

 - walk;
 - 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 aid.”
4. The consultation also proposed that where it is not self-evident that an applicant meets the above criterion, the local authority should use an *eligibility assessor*, rather than an Independent Mobility Assessor as presently. This would allow involvement of a wider range of health care professionals with specialist knowledge of mental, cognitive or learning disabilities.
5. Lastly, the consultation asked for views on providing automatic badge eligibility to those people who receive 12 points for the ‘Planning and Following Journeys’ activity of Personal Independence Payment. This includes people who cannot follow the route of a familiar journey without another person.
6. The consultation ran for 8 weeks, closing on 18 March 2018. It covered England only as the Blue Badge scheme is a devolved matter. The Department received a total of 6349 responses from members of the public, local authorities, groups representing disabled people and other organisations. The breakdown was as follows:

Table 1 - Breakdown of Responses	
Individuals	6117
Local Authorities	75
Disability Groups	75
Other organisations	82
TOTAL	6349

PART 2 - EXECUTIVE SUMMARY

7. The Department was delighted to receive over 6300 responses to the consultation and for the time that individuals and organisations took to provide considered responses.
8. The Blue Badge scheme plays a vital role in allowing 2.4 million disabled people in England to maintain their independence through special national parking concessions. Blue Badges enable their holders to visit their families and friends, and to access jobs, healthcare and leisure activities.
9. Although the Department considers that people with non-physical disabilities are not excluded from receiving a Blue Badge, a problem arises from the wording in the regulations providing eligibility for: “a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking”. This does not specify whether the disability is physical or non-physical – and can therefore be either. However there is confusion around whether this only means physical difficulty in putting one foot in front of the other or can include difficulties or challenges *when* walking, including safety risks, which may arise from non-physical disabilities.
10. The Government wants to ensure that the rules and guidance are clear. It wants to give parity of esteem to mental and physical health conditions. It wants a scheme that is sustainable and works for all who are eligible for it, whatever their disability. It wants it to be fair, consistent, inclusive and non-discriminatory.
11. We are delighted that 89% of respondents are, in principle, in favour of our proposals to amend the eligibility criteria. This support applies to all groups – local authorities 71%, groups representing disabled people 84%, other organisations 87% and individuals 89%. The main points raised were more to do with implementation and consequential impacts. There was a call for clarification of certain terms and the provision of clear guidance so that local authorities can administer the scheme consistently. There were also concerns about administration costs for local authorities, the impact on parking, and abuse of badges.
12. Based on responses to the consultation, the Department continues to believe that including people who have very considerable difficulty “when walking” as opposed to just “walking” as now, will make it clear that people can qualify not just because of a physical difficulty in walking but for non-physical reasons that might make it equally difficult getting from the vehicle to the destination even though they can walk. Respondents said that more clarity would be needed as the proposed criterion was open to interpretation.
13. The Department also continues to believe this should include where there is a risk of serious harm to the health or safety of that person when they are by roads (which could include autistic children, for example) and so we are proposing to make this clear. Some respondents said the “very considerable” harm threshold should be lower.

14. There is one area where the consultation has persuaded the Department to change its proposals. We had proposed specifically including people who 'cannot follow the route of a journey without another person'. However, it has been made clear that this would mean including some people who need another person with them, but can otherwise physically walk well and also without psychological distress or challenging behaviours. The Department believes that where people suffer very considerable psychological distress or other difficulty when walking, or have a risk of very considerable harm to their health or safety (including people with dementia), they should be eligible for a badge. However, where the applicant would not go out alone and the presence of another person negates the above mentioned issues, then we do not believe badges should be issued. Needing another person on every journey does not necessarily equate to needing to park nearby.
15. The primary aim of the scheme is to give disabled people who rely on car travel but face particular challenges in getting from the car to their destination, the ability to park close-by. The Department believes the badge should directly benefit the individual; to ensure the sustainability of the scheme we do not believe badges should be awarded in situations where the carer is effectively the beneficiary.
16. For the same reason the Department intends to provide an automatic link to a badge for people who score 10 points under the 'Planning and following journeys' activity of Personal Independence Payment (PIP) because cannot undertake any journey without overwhelming psychological distress to the claimant. We had proposed to link to 12 points under this activity, for people who cannot follow the route of a familiar journey without another person, but this would include people who do not have very considerable difficulty when with another person and do not need to park close to where they are going. It would not be sensible to award an *automatic* badge in this scenario. This PIP criterion is not about needing to park a vehicle near to one's destination. The Department recognises that some people with significant challenges who receive different levels of PIP may not have an automatic route to a badge. This is because PIP and Blue Badge are different schemes that are not completely compatible. However under our proposed new and expanded eligibility criteria we are confident that people who experience very considerable difficulties because of non-physical disabilities will now have a clear route to a badge following assessment by their local authority.
17. Since 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 an Independent Mobility Assessor who is independent of the applicant.
18. Following consultation, the Department continues to believe this role should be widened. An independent mobility assessor may not be suitable for certifying whether or not a person's mental or cognitive disability has the impacts that would meet the eligibility criteria. In the first place, the assessor would not be assessing the physical ability to walk. So we believe the assessor should become an *eligibility* assessor rather than a *mobility* assessor. Furthermore, whereas a person with a physical disability may 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. We are therefore proposing to remove the requirement for independence, but that does not mean a local authority should not use an independent eligibility assessor where deemed appropriate. This will allow the local authority to use a range of suitably qualified healthcare professionals with specific expertise. The assessor role does not have to be performed by a specific person – the authority will have the flexibility to choose who they recognise as being suitable to provide an expert opinion and it may vary from case to case, so long as the assessor has relevant qualifications and experience to assess whether or not the applicant has an enduring and substantial disability within the meaning set out in the regulations. Respondents called for guidance as to who could fulfil the assessor role and what qualifications they should have.

19. Respondents also called for clarity on a number of terms used across our proposals, including “walk”, “journey” and “enduring” amongst others. The Department will seek to define what these mean in guidance.

Next Steps

20. The Government has considered the responses to the consultation and has decided to proceed with the following:
 - A new eligibility criterion for people who have an enduring and substantial disability the effect of which is that that person is unable to walk or undertake a journey without it causing very considerable difficulty when walking.
 - A new eligibility criterion for people who have an enduring and substantial disability the effect of which is that that person is unable to undertake a journey without there being a reasonably foreseeable risk of serious harm to the health and safety of that person or any other person.
 - A new eligibility criterion for people who have an enduring and substantial disability the effect of which is that that person is unable to undertake a journey without it causing very considerable psychological distress to that person.
 - A new eligibility criterion for people who score 10 points under the planning and following journeys activity of Personal Independence Payment by virtue of being unable to undertake any journey because it would cause overwhelming psychological distress to the claimant.
 - Replacing the role of Independent Mobility Assessor with an eligibility

assessor as described above and in the consultation document.

21. Secondary legislation will be introduced to give effect to these changes at the earliest opportunity. The Department will seek to work with medical professionals and key stakeholders during the remainder of this year to develop the guidance that local authorities will need in order to be able to administer the scheme when the changes come into effect.

Impact

22. Local authorities had concerns about the increased administration costs that would result from widening eligibility. Some called for an increase in the badge fee, others suggested an application fee, extending badge-life from 3 years or the introduction of parking charges for badge holders.
23. It is not possible to accurately estimate the cost of these proposals. For example, one local authority claimed a possible 50% increase in badges issued (but this did not take account of the “very considerable” difficulty threshold that needs to be met). Others said a 10% increase in applications or a 12% increase in badges. Others had no intelligence on the likely impact. The only hard evidence we have is from what Scotland and Wales have already done. The changes there – whilst not exactly the same as proposed in England - have seen a rise in badges issued of less than 3% in those administrations.
24. There are many unknown factors such as how many people with non-physical disabilities will meet the threshold of “very considerable difficulty when walking”, how many may already have a badge, how many may choose to apply and how successful their applications will be. Consequently, we have attempted to estimate the impact of the proposals using a range of scenarios which have been informed by experience in Scotland and Wales. We assumed the bulk of newly eligible people would apply in the first year. We approximated the size of the initial surge of applications as a percentage increase on the number of badges issued in 2016/17 to control for people with non-physical conditions who already have a badge. This method is preferable to starting from the number of people with non-physical conditions, as it should avoid double-counting people who already have a badge. We also assumed that the number of applicants will spike upwards every 3 years when existing badge holders need to reapply.
25. Using this method and assuming a 6% increase in applications (53,000) in the first year, we estimated an initial surge of 44,000 new badges (5%) costing £1.7m in additional admin costs to local authorities. Over a 10-year period this led to an average of 21,000 additional applications (2%) per annum (17,700 badges issued), with a net cost of £700,000 per annum (in 2017/18 prices) (allowing for unsuccessful applications and badge renewals). Over a 10 year appraisal period, this could lead to a total increase of 210,000 applications (177,700 badges issued) in our central estimates with a discounted cost of £7 million.

- 26.** The Department expects its disaggregation of the current Blue Badge contract providing the digital infrastructure and physical badge to drive down costs for local authorities. The Department is funding the new infrastructure and will secure competitive market rates for badge manufacture and service management. We also expect local authority administration savings as a result of an improved, streamlined service going forwards with future opportunities to explore cross-Government working. Therefore we will further analyse the financial impact of the eligibility proposals and possible solutions in this wider context and in the light of real world evidence.
- 27.** Disability groups and local authorities had concerns about the impact on parking provision. Those representing disabled people wanted to see more spaces provided. Local authorities were concerned about the number of cars seeking to park and the feasibility of providing more disabled parking. It is clear that the impact on parking will vary from place to place, depending on factors such as location, population density, current capacity, possible capacity, and more. Councils may need to review parking provision to increase the number of spaces (both in terms of the availability of disabled parking, and the overall number of parking spaces if disabled spaces take up other existing parking spaces). However, until the impact of these changes is seen in practice, it is impossible to understand local needs.
- 28.** Respondents also had concerns that more badges issued would mean more abuse and greater pressure on local authority enforcement operations. Local authorities have long reported that the most significant abuse of the scheme is by friends or family members. Misuse of a Blue Badge is already a criminal offence and some authorities do prosecute offenders. Others use Penalty Charge Notices where appropriate. The Department will consider what further steps can be taken to tackle abuse and educate the public about the impact of this crime on vulnerable people.

PART 3 – RESPONSE TO QUESTIONS

Question 1: Do you agree with the proposed new eligibility criteria?

Table 2 - Summary of Responses to Question 1					
	Yes	%	No	%	Total
Individuals	5467	89	650	11	6117
Local Authorities	53	71	22	29	75
Local Authorities	63	84	12	16	75
Other organisations	71	87	11	13	82
Total	5654	89	695	11	6349

Question 2: If you answered no to Q.1, what is your alternative proposal and why?

Summary of Responses

29. There was strong support - 89% - for the Department's proposals to explicitly include both physical and non-physical disabilities in the Blue Badge eligibility criteria. The breakdown of responses also demonstrates support from all quarters.
30. Some **individuals** had concerns that extending the Scheme could lead to more abuse and that it should remain a scheme for physical disabilities. Others agreed with the proposals but suggested we should develop separate schemes for physical and non-physical disabilities with different colour badges and different parking arrangements.
31. **Local authorities** expressed some concern that the proposals to extend eligibility to those who have difficulty *when* walking, or and who are at risk of very considerable harm to their health or safety, are ambiguous and open to interpretation.
32. Alternative proposals suggested by local authorities included deleting some or all of the proposals. There was a more fundamental concern about providing badges to people who cannot follow the route of a journey without the assistance of another person. The point made was that where the presence of another person negates any risk or psychological distress and the individual is able to walk, a badge is not required and does not improve the journey for the applicant.
33. Others suggested that the proposals would be improved by defining the concepts of "journey", "substantial and enduring" and "assistance animal or

orientation aid” and that the risk of very considerable harm to health or safety should be “identifiable and significant”.

34. **Disability groups** particularly welcomed the proposals, saying that people with invisible disabilities had a right to be supported in the community when they were travelling. However, some representing physical disabilities suggested that the current criteria should remain unchanged until more rigorous enforcement takes place in all local authorities.
35. There was support for badges for younger children where a high level of supervision and restraint are needed due to unpredictable behaviour and lack of safety awareness. There was also support for ensuring that the criteria recognise the psychological impact of certain conditions on making journeys.
36. Others believed that extending eligibility to people who have difficulty “when” walking - as opposed to the physical act of walking - still did not explicitly include hidden disabilities and suggested when “travelling” instead. It was stated that the eligibility expansion should address issues with sensory overload that requires an individual to be near a safe place when a meltdown occurs. It was suggested that a car constitutes a safe place for many people with such conditions. The Department believes the “psychological distress” criterion discussed above may address this.
37. There were a number of suggestions for reducing the qualifying threshold. For example, that the proposal to extend badges to people who are at risk of very considerable harm to their health or safety should be amended to ‘an increased risk of harm’. Other suggestions included removing the need for the disability to be “enduring and substantial disability”, changing “very considerable” difficulty walking to “considerable” and changing “unable to” to “unable to reliably”.
38. Disability groups pointed out that fluctuating long-term conditions should be included in the criteria.
39. **Other organisations** called for clarification of the safety criterion, the term “enduring and substantial disability” and ‘walk’.
40. There was a request for the criteria to include anyone who receives a council tax reduction due to severe mental impairment.
41. There were opposing views about how liberal the qualifying thresholds should be. For example some felt that providing badges to people who could not follow the route of a journey without another person was too wide and would open the Scheme to many people who do not need to park close to where they are going. Instead it was felt that a badge should not be awarded unless the journey would cause overwhelming psychological distress to the claimant. On the other hand, others felt that any difficulties in making journeys should be eligible.

Question 3: Do you agree that where an expert opinion is required it should be provided by an eligibility assessor? If you do not agree, please state why and offer your alternative suggestion.

Summary of Responses

Table 3 - Summary of Responses to Question 3					
	Yes	%	No	%	Total
Individuals	4994	82	1123	18	6117
Local Authorities	55	73	20	27	75
Disability groups	56	75	19	25	75
Other organisations	67	82	15	18	82
Total	5172	81	1177	19	6349

- 42.** Once again there was a strong consensus of support for this proposal from all respondent groups.
- 43.** There were concerns amongst **individuals** that assessment may be too stressful for many people with mental health issues. To help alleviate this problem individuals said that the healthcare professional should be familiar to the applicant and have a good understanding of the applicant’s history. They said it was important that medical professionals contributed to the decision making process.
- 44.** Whilst there was some acknowledgement among **local authorities** that an assessor might need to be familiar with the applicant and their disability, there were concerns that removing the “independent” nature of the assessor role could affect the integrity of the Scheme. An independent assessor might be possible if they had access to all medical documentation and information held by government departments and local authorities.
- 45.** There was a call for guidance as to who could fulfil the assessor role (and the qualifications they should hold) and suggestions that this could include psychologists, psychiatrists, occupational therapists, service providers, and GPs.
- 46.** There was also a request for guidance on undertaking desk based assessments, and on the standards of medical evidence needed to accurately demonstrate the need for a badge under the new criteria. It was felt that local authorities should be able to draw on information from a range of sources, including medical professionals in order to undertake a journey analysis or road safety risk analysis.
- 47.** Some **disability groups** agreed that the assessor should be familiar with the applicant, others had concerns about removing the independence of the

role. Some said it could include the GP (possibly supported by evidence from another person who has worked with the applicant), while others said it must be someone who has expertise in mental health (or the specific disability in question) and who would travel to see clients as opposed to clients being expected to attend an appointment. The assessor needed to have a strong understanding of the complex needs of people with hidden disabilities. There was a view that a diagnosis and current level of care should be adequate evidence. Paper assessments should be available for people who have difficulty interacting face-to-face.

- 48. Other organisations** also had mixed views on whether the assessor should be familiar with the applicant or independent, whether the role could include GPs or should require specialist mental health expertise.

Question 4: 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’? If no, please state why.

Summary of Responses

Table 4 - Summary of Responses to Question 4					
	Yes	%	No	%	Total
Individuals	5308	87	809	13	6117
Local Authorities	55	73	20	27	75
Disability groups	64	85	11	15	75
Other organisations	73	89	9	11	82
Total	5500	87	849	13	6349

- 49.** There was also very strong support for this proposal among all groups.
- 50.** Many individuals stated that a PIP score of 12 points is too high. They also had concerns that some people who choose not to claim benefits and those under 16 or over 64 have no automatic qualifying route to a badge.

51. **Local authorities** had reservations about linking to PIP due to concerns about the robustness of the PIP assessment. They felt a PIP score of 12 for 'planning a journey' could form part of the assessment consideration but should not be used to issue a badge automatically.
52. Some said that if an individual is accompanied by another person on the journey it should render the blue badge unnecessary. There needed to be evidence of an extreme behavioural impairment that was difficult to manage and therefore created a dangerous situation even in the presence of a carer. Issuing badges without genuine need would increase pressure on parking spaces.
53. **Disability groups** had mixed opinions. Linking to PIP was seen as a sensible way to avoid unnecessary additional assessments. There was a view that 12 points was too high for people with non-physical disabilities. To ensure parity it should be 8 points in line with those with physical disabilities. However there was also a view that providing automatic eligibility in this way would impact upon people with severe mobility issues such as wheelchair users.
54. **Other organisations** also had mixed views. There was some opinion that the point score should not be higher than the PIP link for physical disabilities (8 points). However others said that even providing automatic entitlement to people who score 12 points under the PIP 'Planning and Following Journeys' activity would mean badges being issued to people with moderate cognitive impairments who may be able to walk long distances without distress in the company of another person.

Question 5: If you are responding on behalf of an organisation representing people with non-physical disabilities or conditions, please could you provide us with information on the number of disabled people in England that you consider might become eligible by virtue of being unable to:

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

55. Most organisations reported that between 1 to 1000 people within their organisation could become eligible if the Scheme is extended in line with the above proposals. Only two organisations stated that more than 50000 people might become eligible.

Question 6 – Do you believe the proposals in this consultation would disadvantage any particular group of disabled people? If yes, which group of people and why?

Summary of Responses

Table 5 - Summary of Responses to Question 6					
	Yes	%	No	%	Total
Individuals	1639	27	4478	73	6117
Local Authorities	33	44	42	56	75
Disability groups	26	35	49	65	75
Other organisations	26	32	56	68	82
Total	1724	27	4625	73	6349

56. Individuals were concerned that people with mental health issues may need an advocate at any assessment. They were also concerned that applicants could have fluctuating conditions that are difficult to assess on any given day and so the assessor would need to be familiar with the person being assessed. Some local authorities and disability groups shared this concern.

57. Individuals and local authorities had concerns that people with mental/cognitive disabilities could struggle to complete the application form and could have difficulty attending an assessment due to the particular nature of their conditions. Some individuals said the need to provide evidence would be a burden not placed on those with obvious physical

disabilities. They also thought that people who help in the decision making process should have suitable training and awareness.

58. Our new eligibility proposals are designed to explicitly open the Blue Badge scheme to people with mental health and other hidden disabilities. It is clear that these respondents were not opposing that principle, rather, that the implementation of the proposals would need to be tailored.
59. Local authorities, representative groups and individuals shared concerns that the proposals would make it harder for existing badge holders to find a parking space. This will depend upon capacity from location to location. However it does not distinguish between different disabilities. All badge holders will have equal access to available spaces. The issue of parking is addressed in the 'Impact' section above.
60. Local authorities, representative groups and individuals commented that not all people have an automatic route to a badge. This is true, however, our proposals will provide more people with an automatic route.
61. Some disability groups commented on the disparity in the proposed qualifying PIP scores for physical and non-physical eligibility. However it should be recognised that PIP and Blue Badge are different schemes, which are not fully compatible. Our decisions have been based on the score descriptors, rather than the actual score, and how these descriptors fit with Blue Badge eligibility. We have looked for a close match. We do not believe it is right to provide automatic eligibility via PIP to people who would otherwise be ineligible. However the broadening of the eligibility criteria will give many more people a route to a badge, even if it is not automatic.

Question 7 – What other comments or views on these proposals do you have?

Summary of Responses

62. The 'other comments' from respondents continued to present strong support for the proposals. The proposals would help ensure the scheme was fair, consistent, inclusive and non-discriminatory.
63. Respondents raised repeated concerns around parking availability, enforcement and administrative costs which have been addressed in the 'Impact' section above.
64. Local authorities said they would need due warning of the start date of any new proposals in order to be ready to administer the increase in applications. A phased start would be particularly helpful. They also asked for clear guidance, including risk assessment matrices, to help ensure a consistent approach across the country.
65. The public would need to be educated through a pro-active communication strategy to prevent inappropriate applications and inappropriate referrals of alleged abuse, and to raise public understanding of the new criteria to prevent hostility to badge holders who do not appear to have a disability.

66. Individuals and disability groups wanted the application form to be re-designed to help people with non-physical disabilities explain their difficulties.
67. Most **individuals** welcomed the proposals to extend the Scheme. However, to counterbalance the benefits of extending the Scheme it was also suggested that enforcement should be more rigorous and that stricter punishment should be handed out to those who abuse the Scheme. Others said the Scheme should remain as it is as the additional proposals may make it unsustainable.