

BLUE BADGE SCHEME

(Disabled Persons Parking Scheme)

Policy, Procedure and Practice

June 2017

CONTENTS

INFORMATION SHEET	4
POLICY	5
Introduction	5
Policy Aims	5
Eligibility Criteria	6
Type 1: 'eligible without further assessment'	6
Type 2: 'eligible subject to further assessment'	6
Assessing eligibility of applicants subject to further assessment	7
Assessing people with walking difficulties	7
Assessing people with a severe disability in both arms	8
Assessing children under the age of three	8
Assessing organisational badge applications	9
Unsuccessful applications	10
Grounds for refusal to issue a badge	10
Successful applications	11
Badge issue fee	11
Return of badges	11
Period of issue	11
Renewal applications	12
Replacement badges	12
Abuse/misuse	13
Enforcement	13
PROCEDURE	14
Responsibilities	14
Initial applications	14
Evidence required	15
Eligible without further assessment applications	16
Eligible subject to further assessment applications	16
Child (under 3 years) applications	17
Organisational applications	17
Fast-track applications	18
Pre-assessed applications	18
Renewal applications	18
Badge issue	19

Unsuccessful applications	20
Appeals.....	21
Appeal following a DBA.....	21
Appeal following an IMA	21
Appeals relating to organisational applications.....	22
Appeals relating to applications for children under the age of three	22
Complaints	22
Replacement badges.....	22
Enforcement process.....	23
Preventing misuse.....	23
Inspecting and retaining badges.....	23
Reports of suspected misuse	25
Recording badge misuse.....	25
APPENDIX 1: Blue Badge application process flow chart	26
APPENDIX 2: Aged 3 and above subject to further assessment application process flow chart ...	27
APPENDIX 3: Appeals process flow chart	28

Appendices available as separate documents – Blue Badge application forms:

- Appendix 4 – Application for those who do not require further assessment (aged 3 and above)
- Appendix 5 – Application for those who are subject to further assessment (aged 3 and above)
- Appendix 6 – Application for a child under the age of 3 years
- Appendix 7 – Application for an organisational badge
- Appendix 8 – Fast-track application form (palliative care cases)
- Appendix 9 – Pre-assessed application form
- Appendix 10 – Renewal without further assessment application form

INFORMATION SHEET

Service area	Adult Social Care
Date effective from	June 2017
Responsible officer(s)	Policy Officer, People Directorate (Adults) Divisional Manager, Care Management Team Leader, Halton Direct Link
Date of review(s)	June 2019
Status: <ul style="list-style-type: none"> • Mandatory (all named staff must adhere to guidance) • Optional (procedures and practice can vary between teams) 	Mandatory
Target audience	Halton Direct Link (HDL) / Contact Centre Initial Assessment Team (IAT) Cheshire Police
Date of committee/SMT decision	To be added
Related document(s)	None
Superseded document(s)	Blue Badge Scheme (Disabled Persons' Parking Badge Scheme) Policy, Procedure & Practice March 2014
Equality Impact Assessment completed	10 th February 2017

1.0	POLICY	PRACTICE
1.1	<p>Introduction</p> <p>The Blue Badge Scheme (BBS) helps disabled people with severe mobility problems to access goods and services by allowing them to park close to their destination, whether they are a driver or a passenger.</p> <p>The Department for Transport (DfT) is responsible for the legislation behind the BBS, which sets out the following:</p> <ul style="list-style-type: none"> • Eligibility criteria; • Maximum fee that can be charged for a badge; • How long badges can be issued for; • Grounds for refusal/withdrawal of a badge; • When a badge should be returned; • How the badge should be displayed; and • National concessions available to badge holders. <p>Local authorities are responsible for day-to-day administration and enforcement of the BBS in line with the legislation; particularly, they must ensure that badges are only issued to residents who satisfy at least one of the eligibility criteria.</p> <p>The DfT publish non-statutory, good practice guidance to assist local authorities in ensuring that their administration, assessment and enforcement practices are:</p> <ul style="list-style-type: none"> • Fair and consistent; • Customer-friendly and clear; • Timely and cost-effective; and • Resistant to abuse. <p>In Halton, the BBS is administered by Halton Direct Link (HDL) and the Contact Centre with assessments being performed by the Initial Assessment Team (IAT) within the Care Management Division. There is also involvement from Cheshire Police in terms of tackling badge misuse.</p>	<p><i>There is a range of information and guidance available on the Blue Badge section of the www.gov.uk website.</i></p> <p><i>The DfT Blue Badge Scheme Local Authority Guidance (England), October 2014 (from now on referred to as 'the DfT guidance') includes a full list of legislation relevant to the BBS (see Appendix B of the DfT guidance).</i></p> <p><i>See procedure section 2.1 for information on responsibilities.</i></p>
1.2	<p>Policy Aims</p> <ul style="list-style-type: none"> • Ensure that the BBS is administered consistently and fairly, in accordance with the DfT regulations and guidance; • Actively promote and raise awareness of the BBS in order to encourage disabled people to apply for and benefit from the Scheme; • Ensure that the BBS promotes equal opportunities by enabling disabled people to enjoy maximum mobility, access local facilities and play a full and active role in their communities; and • Work in partnership with the police and other local authorities to enforce the BBS and prevent fraud and abuse. 	

1.0	POLICY	PRACTICE
1.3	<p>Eligibility Criteria</p> <p>There are two ways a person can be eligible for a blue badge:</p> <p>Type 1: ‘eligible <u>without</u> further assessment’ People may be issued a badge without further assessment if they are aged over two years and meet one or more of the following descriptions:</p> <ul style="list-style-type: none"> • Registered as severely sight impaired (blind); • In receipt of the Higher Rate Mobility Component (HRMC) of Disability Living Allowance (DLA)*; • Meet a Moving Around descriptor (receives eight points or more) for the Mobility Component of Personal Independence Payment (PIP)*; • In receipt of War Pensioner’s Mobility Supplement; and/or • In receipt of a qualifying award under the Armed Forces and Reserve Forces (Compensation) Scheme (awarded a lump sum benefit at tariffs 1-8 and certified as having a permanent and substantial disability which causes inability or very considerable difficulty walking). <p>*PIP is replacing DLA for people aged 16-64 on or after 8th April 2013 in a number of stages:</p> <ul style="list-style-type: none"> • From April 2013 – new claimants in the North West and part of the North East of England as part of a controlled start period. • From June 2013 – new claimants in the remaining parts of Great Britain. • From October 2013 – certain DLA recipients to be invited to claim PIP (those reporting a change; those whose award expires; and young people reaching age 16 with the exception of those awarded DLA due to terminal illness). • From 2015 – the Department for Work and Pensions (DWP) will contact all other DLA recipients. <p>Type 2: ‘eligible <u>subject</u> to further assessment’ People may be issued a badge after further assessment if they are aged over two years and meet one or both of the following descriptions:</p> <ul style="list-style-type: none"> • Drives a vehicle regularly, has a severe disability in both arms and is unable to operate, or has considerable difficulty operating, all or some types of parking meter; and/or • Has a permanent and substantial disability that causes inability to walk or very considerable difficulty in walking. 	<p><i>The DfT guidance states: “In no circumstances should a badge be issued to an applicant who does not meet one of the eligibility criteria set out in the legislation which governs the scheme. Badges should never be issued to people solely on the basis of their age.”</i></p> <p>Proof of entitlement under any of these descriptions <u>must</u> be provided – section 4.2 of the DfT guidance details exactly what forms of proof are acceptable. Where possible, and in line with the Data Protection Act, local authorities are advised to access electronic records held by other departments/ agencies.</p> <p><i>It is anticipated that most people who qualify for a badge because they receive the HRMC of DLA will continue to qualify as they are likely to score eight points or more in the ‘moving around’ descriptor of PIP. There is some further guidance regarding the implications of PIP for Blue Badges on the www.gov.uk website.</i></p> <p><i>The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No. 2) Regulations 2011 prescribe that from 1st April 2012, the eligibility of those applying because of a permanent and substantial disability that causes inability to walk or very considerable difficulty in walking, must be confirmed by an independent mobility assessor (as defined by the Regulations, e.g.</i></p>

1.0	POLICY	PRACTICE
	<p>Children under the age of three may be eligible for a badge if they meet one or both of the following descriptions:</p> <ul style="list-style-type: none"> • Have a condition that means they must always be accompanied by bulky medical equipment which cannot be carried around with the child without great difficulty; and/or • Have a condition that means they 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 treatment can be given. <p>Organisational badges may be issued as long as the organisation* in question meets the following criteria:</p> <ul style="list-style-type: none"> • Cares for and transports disabled people who would themselves meet one or more of the eligibility criteria for an individual badge; • Has a clear need for an organisational badge rather than using the individual badges of the people it is transporting. 	<p><i>physiotherapist or occupational therapist). Unless, that is, it is self-evident from the information that the applicant is either eligible or ineligible and an assessment would be of no further assistance. The assessor may be employed by the local authority but it should not be someone who has been involved in the applicant's care/treatment nor should it be the applicant's GP. Although, factual information from the GP/other medical professionals may be used as evidence to support decision-making.</i></p> <p><i>*An 'organisation' is defined in the 2000 Regulations as meaning an organisation concerned with the care of disabled persons to which a disabled person's badge may be issued in accordance with section 21(4) of the Chronically Sick and Disabled Person's Act 1970.</i></p>
1.4	<p>Assessing eligibility of applicants subject to further assessment</p> <p>The DfT guidance explains that eligibility under the 'subject to further assessment' criteria categories should be carefully assessed in order to maximise fairness and consistency across the country. Local authorities must record their procedures and the outcome of the assessment process in order to provide transparency for applicants and evidence of compliance with legislation/ guidance in the event of a complaint to the Local Government Ombudsman.</p> <p>The DfT guidance provides detailed information to assist local authorities in assessing eligibility under the various categories of applicant that are subject to further assessment. These are detailed below along with some key points to note, however, the relevant section of the DfT guidance should be consulted for further information and to ensure compliance:</p> <p>Assessing people with walking difficulties (See section 4.4 of the DfT guidance)</p> <ul style="list-style-type: none"> • The applicant must have any permanent and substantial disability meaning they cannot walk or have very considerable difficulty walking. • Eligibility is not determined by the presence or absence 	<p><i>An independent review of the BBS concluded that "intelligent use of independent mobility assessments in combination with initial cross-checking of existing council records and well-designed desk-based assessments (to filter out</i></p>

1.0	POLICY	PRACTICE
	<p>of a particular condition.</p> <ul style="list-style-type: none"> • It is the local authority's responsibility to determine whether the disability is permanent. Applicants should be reminded that they have a duty to return the badge should their mobility improve. • Applicants should be considered unable to walk if they cannot take a single step. • The factors to be taken into account in determining difficulty walking include – whether excessive pain and/or breathlessness are reported by the applicant when walking; the distance they are able to walk without experiencing pain/breathlessness; the speed at which they can walk; the length of time they can walk for; the manner in which they walk; their use of walking aids; their outdoor walking ability and whether the effort of walking presents a danger to the applicant's life or could lead to serious deterioration in health. <p>Assessing people with a severe disability in both arms (See section 4.5 of the DfT guidance)</p> <ul style="list-style-type: none"> • The applicant must drive regularly and have a severe disability in both arms and be unable to operate/have considerable difficulty operating all/some parking meters. • Applicants should only receive a badge if they meet all three of the conditions – only a small number of people are likely to qualify under this criterion. <p>Assessing children under the age of three (See section 4.6 of the DfT guidance)</p> <ul style="list-style-type: none"> • The types of equipment that might mean a child is eligible for a badge includes – ventilators, suction machines, feed pumps, parenteral equipment, syringe drivers, oxygen administration equipment, continuous oxygen saturation monitoring equipment, casts and associated medical equipment for the correction of hip dysplasia. • The types of condition that mean a child may need quick access to transport include children with tracheostomies, severe epilepsy/fitting or highly unstable diabetes and terminally ill children who can only access brief moments of outside life and need a quick route home. • The above lists are not exhaustive and each child application should be treated as a special case. • Medical assessments should not be necessary; a letter from the child's paediatrician confirming their condition and the equipment required is sufficient. 	<p><i>those applicants who are 'self-evidently' eligible or ineligible) was the most cost-effective and robust method of assessing an applicant's eligibility under the 'subject to further assessment' walking criterion." (DfT guidance)</i></p>

1.0	POLICY	PRACTICE
	<p>Assessing organisational badge applications (See section 5.2 of the DfT guidance)</p> <ul style="list-style-type: none"> • Ensure applications are genuine and necessary; it is for local authorities to make this judgement based on their local knowledge of the organisation concerned. • Residential care homes, hospices and local authority social services departments are common examples of eligible organisations. • It is unlikely that taxi/private hire/community transport operators will be eligible – such organisations should use the badge belonging to the individual they are transporting. • Organisations may be asked to provide the same type of information required by the Driver and Vehicle Licensing Agency (DVLA) for licensing a vehicle under the Disabled Passenger Vehicle (DPV) taxation class (for exemption from vehicle excise duty). To license a vehicle in the DPV taxation class, an organisation needs to make a signed declaration on the organisation’s letter headed paper. The declaration for a badge application needs to say 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. • Badges must be issued to the organisations not individual employees. • If there are only a small number of people eligible for a badge who would be transported by the organisation, it should be advised that the individuals themselves should apply for a badge rather than the organisation. • Organisations should be reminded, and should inform all of their employees, that if they use the badge to take advantage of the concessions when there are no passengers who are themselves eligible for a badge, they could face a fine of up to £1,000. 	<p><i>It must be established that the applying organisation is in fact ‘concerned with the care of disabled persons who would themselves be eligible for an individual badge.’ It may be necessary for the assessing member of staff to conduct some research into the organisation in this respect (e.g. online, by speaking to other council departments or by visiting the organisation). The provision of ‘care’ is the primary consideration and it is a requirement that the organisation is registered with CQC or Ofsted as a provider of care to people with disabilities that meet the eligibility criteria for a badge.</i></p> <p><i>Although specialist vehicles, including those in the DPV taxation class (that are used solely for the purpose of transporting disabled people), are taken into account in the decision-making process, badges will not be granted purely on the basis of an organisation having specially adapted vehicle. Rather, an organisation must evidence that they meet the criteria outlined at 1.3 – they must <u>care for and transport</u> individuals who would themselves be eligible for a badge and they must have a <u>clear need for an organisational badge</u> rather than using the individual badges of the people being transported. Whilst the number of people cared for by the organisation who would themselves be eligible for a badge is taken into account when determining whether an organisational badge should be issued, this is not the only factor under consideration in deciding whether an organisation has a clear need for an organisational badge.</i></p>

1.0	POLICY	PRACTICE
	<p data-bbox="204 210 611 241">1.5 Unsuccessful applications</p> <p data-bbox="204 282 767 313">Grounds for refusal to issue a badge</p> <ul data-bbox="252 322 1107 1061" style="list-style-type: none"> • The applicant holds or has held a badge and misuse has led to a conviction for an offence defined in regulations 2(3) and 2(4); or • The applicant fails to provide the local authority with adequate evidence of their eligibility, either as an individual or as an eligible organisation; or • The applicant fails to pay the fee chargeable for the issue of a badge (if a fee is required by the issuing authority); or • The local authority (i) has reasonable grounds for believing that the applicant is not the person they are claiming to be, or (ii) would permit another person to whom the badge was not issued to use the badge; or • The applicant fails to provide evidence of residency; or • The applicant already holds a valid badge issued by another issuing authority; or • A report from an independent mobility assessor confirming an applicant's eligibility has not been made available to that local authority in a form that is satisfactory to them. <p data-bbox="204 1106 1107 1317">In accordance with DfT recommendations, all applicants who are refused a badge should be informed in writing of the reasons for refusal. This cannot simply be to say that they did not meet the eligibility criteria; a full explanation must be provided. Unsuccessful applicants must also be informed of the appeals procedure (see procedure section 2.13).</p> <p data-bbox="204 1361 1107 1464">The DfT guidance sets out two distinct ways in which a person may want to contact their local authority following an unsuccessful application:</p> <ul data-bbox="252 1473 1107 1688" style="list-style-type: none"> • They may wish to request a review of the decision if they feel their application was wrongly refused (i.e. an appeal); or • They may wish to complain if they feel unhappy about the manner/conduct of the staff members who handled their application or if they feel the process was unfair. <p data-bbox="204 1733 1107 1980">If a review of the decision is required, this should be performed by someone who was not directly involved in the initial decision. The second point would be dealt with under the authority's standard complaints procedure; therefore, unsuccessful applicants should be informed of this and also reminded that they can also contact the Local Government Ombudsman.</p>	<p data-bbox="1134 300 1477 479"><i>Regulation 8 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI 2000/682) (as amended by (SI 2011/2675))</i></p> <p data-bbox="1134 1473 1501 1653"><i>See procedure section 2.13 regarding the appeals process through which unsuccessful applicants in Halton can 'request a review of the decision'.</i></p> <p data-bbox="1134 1809 1469 1930"><i>Information on the Council's complaints procedures is available on the Council's website.</i></p>

1.0	POLICY	PRACTICE
1.6	<p>Successful applications</p> <p>Successful applicants should be provided a copy of the DfT leaflet 'The Blue Badge Scheme: rights and responsibilities' along with their Blue Badge. There is a leaflet for individuals and one for organisations, both of which are available on the DfT website but will also be provided by The Blue Badge Improvement Service when the badge is sent.</p> <p>Badge issue fee The fee for individual and organisational badges is £10.</p> <p>Return of badges Badge holders must be advised that they are required to return their badge in the following situations:</p> <ul style="list-style-type: none"> • The badge expires; • The badge holder is no longer eligible; • The organisation is no longer eligible or no longer exists; • If a replacement badge has been provided because the original was lost or stolen and the original is later found, it should be returned so it can be securely destroyed; • If the badge is damaged/faded making it illegible or meaning that it cannot be identified correctly or distinguished from a forgery; • The badge is no longer required (e.g. the holder has become confined to their house); • Another valid badge has been inadvertently issued by another authority; or • The badge holder dies. <p>The badge remains the property of the issuing authority and they have the power to withdraw it in some circumstances.</p> <p>Period of issue Most badges must be issued for three years, with the following exceptions:</p> <ul style="list-style-type: none"> • For children under the age of three, the badge should be issued for a maximum period ending on the day immediately following their third birthday; • Where entitlement for a badge is linked to an award of the Higher Rate of the Mobility Component of Disability Living Allowance, War Pensioner's Mobility Supplement or Personal Independence Payment, the period of issue should follow the period of receipt of that allowance if it is less than three years. (If any of those awards have been granted for a period longer than three years, the badge should still only be issued for the standard three-year period). 	<p><i>Section 3.6 of the DfT guidance sets the maximum fee at £10.</i></p> <p><i>Regulation 9 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI 2000/682)</i></p>

1.0	POLICY	PRACTICE
	<p><i>Renewal applications</i> Renewal applications should be dealt with quickly and efficiently but offer an important opportunity to:</p> <ul style="list-style-type: none"> • Confirm that those who were awarded a badge under the ‘without further assessment’ criteria are still receiving the qualifying benefits; if they are not, they may need to be assessed under the ‘subject to further assessment’ criteria; • Check that those who were awarded a badge under the ‘subject to further assessment’ criteria continue to meet that criteria; even if they have the same disability it is possible that their mobility may have improved; • Ensure that personal details are correct and that the badge is legible and displays an up-to-date photography; this will be the case for people who have a permanent disability that will not change, e.g. loss of limbs. <p>Local authorities are able to determine their own methods for assessing eligibility at the point of renewal, in line with the regulations. If the initial application involved a robust independent mobility assessment, it may be possible to highlight applicants who have conditions that are unlikely to change and would therefore not require a further in-person assessment at renewal.</p> <p><i>Replacement badges</i> A replacement badge can be issued if the original has been:</p> <ul style="list-style-type: none"> • Lost; • Stolen (this should be reported to police and a crime reference number obtained); • Destroyed; or • Damaged to the point that it is illegible. <p>The replacement badge should have the same expiry date as the original. The record of the original badge should be updated on the Blue Badge Improvement Service to show that it is no longer valid.</p> <p>If lost or stolen badges are later found after a replacement is issued, the original should be returned to the local authority so it can be destroyed. Damaged badges should also be returned to the local authority to be officially destroyed.</p> <p>The date and reason for issuing a replacement badge should always be recorded so that repeated cases can be monitored to pick up on possible cases of abuse.</p> <p>Replacement badges are chargeable.</p>	<p><i>See Appendix H of the DfT guidance for some core principles of badge renewals.</i></p>

1.0	POLICY	PRACTICE
1.7	<p>Abuse/misuse</p> <p>Below are some examples of how the badge scheme may be abused or misused.</p> <p><i>By the badge holder:</i></p> <ul style="list-style-type: none"> • Parking in the wrong place/for longer than the time allowed; • Using a badge that is no longer valid, has been reported lost/stolen or is a copied version; • Allowing friends/relatives to use their badge whilst not transporting the badge holder; • Altering the details on the badge, e.g. the expiry date; and/or • Making a fraudulent application or using a badge that was obtained fraudulently. <p><i>By a third party:</i></p> <ul style="list-style-type: none"> • Using someone else's badge (with or without their knowledge) without their presence in the vehicle; • Using a badge belonging to someone who has died; • Using stolen/fake badges; and/or • Copying/altering or faking badges. <p>It is important that all badge holders are made aware of their responsibilities and the consequences of badge misuse at the point of issue, in order to help ensure that instances of accidental misuse are prevented.</p>	<p><i>The DfT's guidance leaflet 'The Blue Badge scheme: rights and responsibilities in England' is supplied with the badge.</i></p>
1.8	<p>Enforcement</p> <p>The Blue Badge Scheme is susceptible to abuse given that badges can present substantial monetary value and any misuse of badges undermines the benefits of the scheme for disabled people. The DfT guidance offers comprehensive advice for local authorities in terms of how they can prevent/combat abuse (see section 7 of the guidance for further detail and procedure section 2.15 for information on local processes).</p>	<p><i>There is a range of legislation that local authorities can use with flexibility to enforce the scheme and combat abuse in their area. Full details of the relevant legal powers and examples of their application are provided within the DfT guidance (see section 7).</i></p>

2.0	PROCEDURE	PRACTICE
2.1	<p>Responsibilities</p> <p>For Halton Borough Council, Halton Direct Link (HDL) and the Contact Centre are responsible for administering the Blue Badge scheme, in particular:</p> <ul style="list-style-type: none"> • Dealing with initial enquiries and issuing application packs; • Processing new/renewal applications from individuals/organisations; • Sending any applications as appropriate to the Initial Assessment Team (IAT); • Checking that any medical information forms are fully completed before forwarding to the IAT; • Ensuring that applicants have provided all the required information/evidence; • Ordering badges and collecting fees; • Sending/receiving correspondence and dealing with queries about the scheme; and • Record keeping. <p>The Initial Assessment Team (IAT) is responsible for:</p> <ul style="list-style-type: none"> • Desk-Based Assessments (where required); • Independent Mobility Assessments (where required); • Any applications relating to a child under the age of three years; and • Any applications relating organisational badges. <p>The Complex Care Teams provide assistance to the IAT as and when required.</p> <p>Cheshire Police are responsible for parking enforcement in Halton.</p>	<p><i>HDL and the Contact Centre act as the initial point of contact for Blue Badge related enquiries. Any applications that require assessment are sent to the Initial Assessment Team (IAT) via email to (admin.CAS&IAT@halton.gov.uk). Admin staff monitor this email inbox on a daily basis and send applications/appeals to the relevant member of staff, as detailed within this policy and procedure.</i></p>
2.2	<p>Initial applications</p> <p>Applicants must provide proof of their residence, which will be checked via Council Tax records and/or the Electoral Register (for individual applicants) before an application pack is issued. If the applicant is not resident in Halton, they must be referred to the relevant local authority.</p> <p>The DfT leaflet ‘<i>Can I get a Blue Badge?</i>’ should be sent to anyone making an enquiry about the BBS.</p> <p>Applications can be made in person at HDL offices or by telephoning 0151 907 8309.</p> <p>HDL/Contact Centre staff will undertake a brief assessment to ensure that the correct application pack is completed at HDL or emailed/handed/posted to the applicant or their representative.</p>	<p><i>See appendix 1 for a flow chart of the application process.</i></p> <p><i>See policy section 1.3 re eligibility criteria.</i></p>

2.0	PROCEDURE	PRACTICE
	<p>Members of the public can also go to www.gov.uk in order to check eligibility and apply online for a Blue Badge; the application will then be sent to the relevant local authority for processing.</p> <p>There are a number of different application forms depending on who is applying for a badge:</p> <ul style="list-style-type: none"> • Appendix 4 – Application for those who do not require further assessment (aged 3 and above) • Appendix 5 – Application for those who are subject to further assessment (aged 3 and above) • Appendix 6 – Application for a child under the age of 3 years • Appendix 7 – Application for an organisational badge • Appendix 8 – Fast-track application form (palliative care cases) • Appendix 9 – Pre-assessed application form • Appendix 10 – Renewal without further assessment application form <p>Note: all of the application forms (appendices 2 to 8) are available as separate, stand-alone documents, rather than being included at the end of this document.</p> <p>Applications (complete or not) are recorded on the Blue Badge Improvement Service (BBIS) system, together with notes of any contact with the applicant (i.e. telephone calls, letters etc.)</p> <p>HDL/Contact Centre staff do not record information on CareFirst (the Council's client records system for social services), however, the IAT do load information relating to mobility assessments etc. onto this system.</p>	
2.3	<p>Evidence required</p> <p><i>Proof of identification/address</i></p> <p>In order to validate that the applicant is the person they claim to be and that they are resident in Halton, two forms of identification are required with all individual applications.</p> <p>If possible at least one form of identification should be photographic, for example, a bus pass, passport or new style driving licence.</p> <p>At least one form of identification should show the applicant's current address. Council Tax records and the Electoral Register will also be checked as additional verification.</p> <p>With regards to applications on behalf of children under the age of three, a copy of their birth or adoption certificate should be supplied.</p>	

2.0	PROCEDURE	PRACTICE
	<p>With regards to organisational applications, photographic identification is not required; however, the organisation's logo must be supplied with the application.</p> <p><i>Proof of eligibility</i> The preceding policy section of this document outlines the eligibility criteria along with reference to the relevant section of the DfT guidance where the acceptable forms of proof of eligibility are outlined.</p>	
2.4	<p>Eligible without further assessment applications</p> <p>HDL/Contact Centre staff assess whether the applicant meets the <i>eligible without further assessment</i> criteria (i.e. if they are in receipt of the specified benefits) or whether medical information will be required to determine eligibility.</p> <p>Where applicants meet the eligible without further assessment criteria, the application is complete once photographs, proof of identification and other relevant evidence to support the application has been provided. The badge can then be ordered, subject to the payment of £10.</p>	<p>See policy section 1.3 for the <i>without further assessment eligibility criteria</i>.</p>
2.5	<p>Eligible subject to further assessment applications</p> <p>Where applicants apply under the <i>subject to further assessment criteria</i>, they should also be offered a referral to the Welfare Rights Service (0151 471 7448) to check their eligibility for qualifying benefits.</p> <p>For applications requiring further assessment, HDL staff will check the form to ensure that all relevant sections have been completed before forwarding to the IAT via the generic email address for a desk-based assessment (DBA).</p> <p>If the DBA assessor needs to clarify any issue they can check CareFirst or contact the applicant directly. If the applicant has checked the permissions boxes on the application form, the assessor can contact the applicant's GP or any other accredited health professional indicated on the form.</p> <p>DBAs are usually carried out by a Community Care Worker (CCW). The application is reviewed against a scoring matrix. The CCW is able to consult with an Occupational Therapist (OT) throughout the DBA process.</p> <p>There are three possible outcomes of a DBA:</p> <ol style="list-style-type: none"> 1. Approval; 2. Refusal; and 3. Independent Mobility Assessment (IMA) required. 	<p>See policy section 1.4 re <i>assessing eligibility of applicants subject to further assessment</i>.</p> <p>See appendix 2 for a flow chart of the application process for individuals aged three and above who are subject to further assessment.</p>

2.0	PROCEDURE	PRACTICE
	<p><i>Approval</i> The IAT should notify HDL if the DBA has resulted in an approval score and HDL will then arrange for supply of the badge.</p> <p><i>Refusal</i> The IAT should notify HDL if the DBA has resulted in a refusal score and HDL will then send a refusal letter to the applicant, which also outlines the appeals procedure (see section 2.13). The IAT must provide detailed reasons for refusal to HDL so that this information can be communicated to the applicant.</p> <p><i>IMA required</i> If, following the DBA, it is decided that an IMA is required in order to gather further information prior to making an award decision the application will be referred to an OT. The applicant will be contacted to arrange a clinic appointment so that they OT can conduct the IMA (in exceptional circumstances, a home visit may be arranged).</p> <p>HDL should also be informed that an IMA is to be conducted.</p> <p>The IAT should notify HDL whether the IMA results in an approval or refusal and HDL will either arrange for the badge to be issued or send a refusal letter to the applicant which also outlines the appeals procedure (see section 2.13). The IAT must provide detailed reasons for refusal to HDL so that this information can be communicated to the applicant.</p>	
2.6	<p>Child (under 3 years) applications</p> <p>Child applications are ‘subject to further assessment’ against the criteria outlined in the DfT guidance.</p> <p>HDL will check the application form before forwarding it to the IAT along with other supporting information.</p> <p>An OT is responsible for deciding whether the criteria are met.</p> <p>If the application is approved, the IAT should notify HDL who will then arrange for the badge to be supplied.</p> <p>If the application is refused, the IAT should notify HDL who will then send a refusal letter. The IAT must provide detailed reasons for refusal to HDL so that this information can be communicated to the applicant.</p>	<p><i>See policy section 1.4 re assessing eligibility of applicants subject to further assessment.</i></p>
2.7	<p>Organisational applications</p> <p>Organisational applications are ‘subject to further assessment’</p>	<p><i>See policy section 1.4 re assessing eligibility of applicants subject to further assessment.</i></p>

2.0	PROCEDURE	PRACTICE
	<p>against the criteria outlined in the DfT guidance.</p> <p>HDL will check the application form before forwarding it to the Advanced Occupational Therapist (Advanced OT) along with other supporting information.</p> <p>The Advanced OT is responsible for deciding whether the criteria are met. In doing this, it will be necessary to research the organisation concerned to understand the care provided, the type of clients (to establish if they have the required degree of immobility to be considered eligible for a badge as an individual) and the sort of transport provided and the vehicles used. It may also be necessary to visit the organisation concerned in some cases.</p> <p>If the application is approved, the Advanced OT should notify HDL who will then arrange for the badge to be supplied.</p> <p>If the application is refused, the Advanced OT should notify HDL who will then send a refusal letter. The Advanced OT must provide detailed reasons for refusal to HDL so that this information can be communicated to the applicant.</p>	
2.8	<p>Fast-track applications</p> <p>An application may be fast tracked if an applicant has a terminal illness that seriously affects their mobility.</p> <p>A fast-track application form (appendix 8) should be completed and signed by the relevant medical practitioner (e.g. GP/Palliative Care staff/Macmillan Nurse) and forwarded to HDL along with details of the individual's medical condition.</p>	<p><i>Section 3.5 of the DfT guidance states that local authorities may wish to have a fast-track process for people who have a terminal illness that seriously affects their mobility, in order to make the final weeks of their life easier.</i></p>
2.9	<p>Pre-assessed applications</p> <p>Whilst undertaking an assessment in an individual's home an OT or CCW may feel that the individual would meet the criteria for a Blue Badge without further assessment.</p> <p>In these cases they can fill out the pre-assessed application form (appendix 9) and leave a letter with the applicant, which explains that they will need to send in the payment and photographs. This removes the need for a further medical assessment.</p>	
2.10	<p>Renewal applications</p> <p>Applicants will be allowed to apply to renew their blue badge up to three months in advance of the expiry date on their existing badge. HDL will write to badge holders to notify them</p>	<p><i>See policy section 1.6 re successful applications.</i></p>

2.0	PROCEDURE	PRACTICE
	<p>that their badge is due for renewal.</p> <p>Renewal badges will not be issued more than seven days prior to the date of expiry on the old badge.</p> <p>Completion of a new application form is required in all cases.</p> <p>In cases where a previous assessment has confirmed that no further assessment will be necessary in the future, there is a shortened version of the application form (appendix 10). This can only be decided by an OT following an IMA and is usually only in cases of progressive neurological conditions.</p> <p>Organisational badge renewals are to be treated the same as new organisational applications.</p>	
2.11	<p>Badge issue</p> <p>Blue Badges for successful applicants who meet the necessary criteria are ordered via the BBIS system by HDL staff.</p> <p>Badges contain a gender specific serial number for parking enforcement purposes, which must be correctly assigned to the applicant (transsexual/transgender applicants should be regarded in the gender with which they identify).</p> <p>An up-to-date photograph must be submitted and digitally scanned onto the back of an individual badge unless the local authority is satisfied that the holder is not expected to live beyond six months from the date of issue.</p> <p>A £10 fee will be charged when an application is accepted to be processed, as a receipt number is requested by the badge ordering system. In cases where a further medical assessment is needed to establish eligibility, and an application is subsequently refused, a full refund will be made.</p> <p>The badges are delivered to the HDL office specified by the applicant. HDL contact applicants to advise that the badge has been delivered and is available for collection.</p> <p>Badges may only be collected within seven days of the expiry date of a current badge.</p> <p>A parking disc (time clock) is designed to be displayed with the Blue Badge when parking on yellow lines or in parking bays which are time limited and set to show the time of arrival by badge holders. A parking disc should be issued to new badge holders at the same time as their blue badge.</p>	<p><i>See policy section 1.6 re successful applications.</i></p>

2.0	PROCEDURE	PRACTICE
	<p>Only exceptionally, at the specific request of the applicant or their representative, may the badge be posted out. This would be via Royal Mail second class post (the same postal method through which badges are received at HDL). Postage would only be increased at the Council's discretion if there had been any particular problems in the standard process.</p> <p>In the case of postal applications, the applicant/organisation will be contacted when the badge is approved. Payment of the £10 fee is requested at that point. No badge will be issued without payment of the fee.</p> <p>To help prevent fraud, HDL staff must check that the person collecting the badge is the applicant by checking the badge photographs. Representatives collecting badges on behalf of applicants will be asked to provide the successful application notification letter and a form of photo identification from the applicant as authorisation (the requirement for such evidence is highlighted in the notification letter).</p> <p>An information letter and the DfT leaflet '<i>The Blue Badge Scheme: rights and responsibilities</i>' are provided to all successful applicants along with the badge.</p> <p>Parents/guardians of children under three are also issued with additional information on the qualifying criteria.</p> <p>Most badges are issued for three years, although there are exceptions where badges may be issued for a shorter period as explained in policy section 1.6.</p>	
2.12	<p>Unsuccessful applications</p> <p>The most common reason for an unsuccessful application is the applicant failing to provide adequate evidence of eligibility.</p> <p>For all unsuccessful applications, a letter must be sent to the applicant detailing the reasons for refusing to issue a badge. This letter must also provide information on the appeals procedure (see section 2.13). Any photographs which were provided must also be returned.</p> <p>A period of six months must elapse before an unsuccessful applicant may reapply, unless:</p> <ul style="list-style-type: none"> • The applicant becomes eligible under the without further assessment criteria; and/or • There is a substantial change in the applicant's medical condition; and/or; • The applicant is able to provide evidence that was previously not forthcoming. 	<p><i>See policy section 1.5 re the grounds for refusal of a badge.</i></p>

2.0	PROCEDURE	PRACTICE
2.13	<p>Appeals</p> <p>Applicants have the right to appeal against the decision not to issue them with a badge within 28 days of the date of the decision letter. They must contact HDL/the Contact Centre to request an appeal.</p> <p>Note that although the term ‘appeal’ is used, it is a review of the decision and every effort will be made to ensure that this is dealt with by someone who was not involved in the original decision.</p> <p>Appeals and the resulting outcome should be logged on the BBIS system by HDL.</p> <p>Every attempt will be made to deal with appeals within 28 days of receipt. However, in some cases it may take longer than this for a decision to be reached (if an IMA is required, for example).</p> <p>Appeal following a DBA</p> <p>If an appeal is received following refusal to issue a badge after a DBA, an OT will review the DBA. In light of the information provided as part of the appeal they may decide to issue a badge or invite the applicant for an IMA, after which a badge may or may not be issued. In any case, the processes outlined at 2.5 should be followed.</p> <p>Appeal following an IMA</p> <p>Any appeal following an IMA will be reviewed by the Council’s Advanced OT to ensure that all processes have been followed correctly.</p> <p>If the Advanced OT finds that processes and decision-making procedures have been followed correctly (e.g. there have been no errors etc.), a refusal letter should be sent explaining why the applicant is not eligible for a badge and HDL should also be notified.</p> <p>If the Advanced OT finds that processes/procedures have not been followed correctly, they may decide to overturn the original decision and issue a badge. In which case, they should advise HDL to follow the process outlined in section 2.5 regarding approval.</p> <p>In cases where the Advanced OT finds that processes have not been followed correctly, the issues should be discussed with relevant staff to ensure that a similar problem does not arise with future applications.</p>	<p><i>See policy section 1.5 re unsuccessful applications.</i></p> <p><i>See appendix 3 for a flow chart of the appeal process.</i></p>

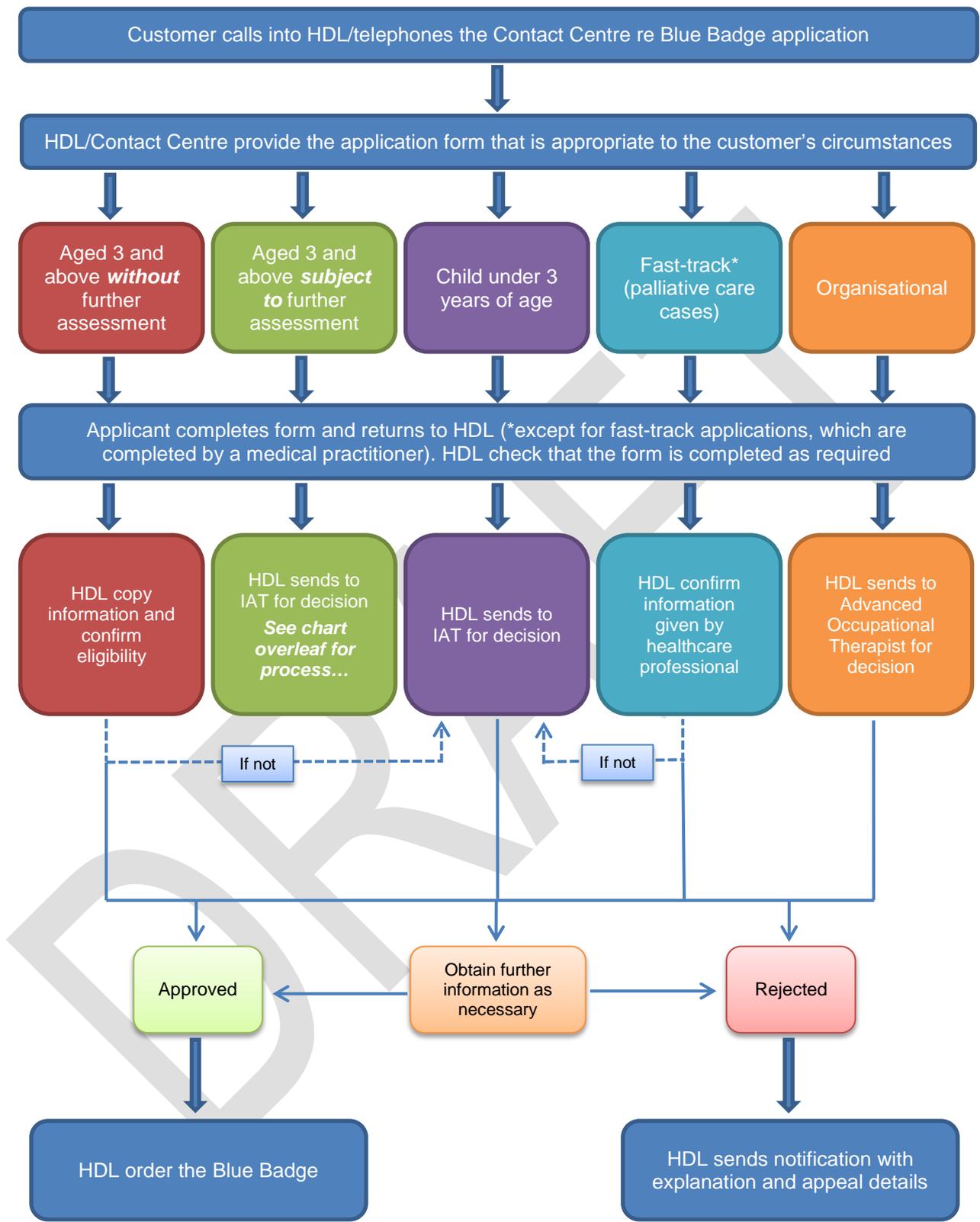
2.0	PROCEDURE	PRACTICE
	<p>Appeals relating to organisational applications Appeals relating to organisational applications will be dealt with by the Divisional Manager with responsibility for the Blue Badge scheme.</p> <p>Appeals relating to applications for children under the age of three Appeals relating to applications for a child under the age of three will be dealt with by the Advanced OT.</p> <p>Complaints It must be noted that corporate complaints are entirely separate to appeals and may be made at any time relating to, for example, the behaviour/attitude of staff or processes not being followed but complaints cannot be made through this process against the actual decision. Applicants should be aware of their right to make a complaint they should also be advised that they can report any procedural irregularities/issues with their application to the Local Government Ombudsman.</p>	<p>Information on the Council's complaints procedures is available on the Council's website.</p>
2.14	<p>Replacement badges</p> <p>If a badge holder requires a replacement badge, they must contact HDL to request this. The reason for needing a replacement badge will be asked and recorded on the BBIS system.</p> <p>If the badge was stolen, the badge holder should be advised to report this to the Police and obtain an incident number.</p> <p>The badge holder will be advised to return the original badge, if it is later recovered so that it can be destroyed.</p> <p>Damaged badges must be returned to HDL at the same time the replacement badge is issued.</p> <p>There is a facility for members of the public to be able to report lost and stolen badges and any change of circumstances via www.gov.uk.</p> <p>Replacement badges will have an issue number on the front of the card next to the badge reference number.</p> <p>The expiry date shown on the replacement badge should be the same as the date that appeared on the original badge. The record of the original badge should be updated to show it is no longer valid.</p> <p>A £10 fee is charged for all replacement badges, irrespective of</p>	<p>See policy section 1.6 re successful applications.</p> <p>The steps outlined in this section help to prevent potential abuse of the scheme.</p>

2.0	PROCEDURE	PRACTICE
	the reason for needing a replacement (e.g. loss, theft or damage).	
2.15	<p>Enforcement process</p> <p>As outlined in policy section 1.7, there are a number of ways in which badges can be misused; it is therefore important to have processes in place to enforce correct use of the scheme and tackle potential abuse.</p> <p>The enforcement of parking restrictions in Halton is the responsibility of Cheshire Police (there are no civil parking enforcement arrangements in Halton).</p> <p>Penalty Charges are issued by the Police in Halton for any parking contravention (including a badge holder parking in the wrong place or parking with a valid badge but for too long).</p> <p>Preventing misuse</p> <p>Preventing abuse/misuse at the badge issue stage is an important element of the enforcement process; the procedures outlined in earlier sections of this document should be followed so as to ensure that:</p> <ul style="list-style-type: none"> • The applicant's identity and address are checked and the badge is collected in person in order to prevent fraudulent applications; • Only those who are eligible for a badge are issued one and IMAs are used when eligibility is unclear; • Successful applicants are aware of, and understand, what constitutes correct use of their badge. <p>Inspecting and retaining badges</p> <p>Police Constables and Police Community Support Officers (PCSOs) operating in Halton also conduct badge inspections on an ad-hoc basis in order to verify that the badge is being used by the correct person. Cheshire Police may contact the Council to establish further details about the badge holder and to check what information is held on the BBIS system.</p> <p>Badges are valid for use on a national level and, therefore, a badge issued in Halton may also be inspected in another local authority area (either by the police or other suitably authorised parking enforcement officer).</p> <p>A badge may be seized (by police in Halton or a parking enforcement officer in another area) if, upon inspection, there are reasonable grounds for believing that the badge:</p> <ul style="list-style-type: none"> • Is a fake; • Has already been cancelled (because it was reported lost/stolen); 	<p><i>See policy section 1.7 re abuse/misuse and 1.8 re enforcement.</i></p> <p><i>Section 7 of the DfT guidance outlines the wide-ranging legislation that is available for local authorities to use flexibly according to local circumstances and the specifics of each case of badge misuse.</i></p>

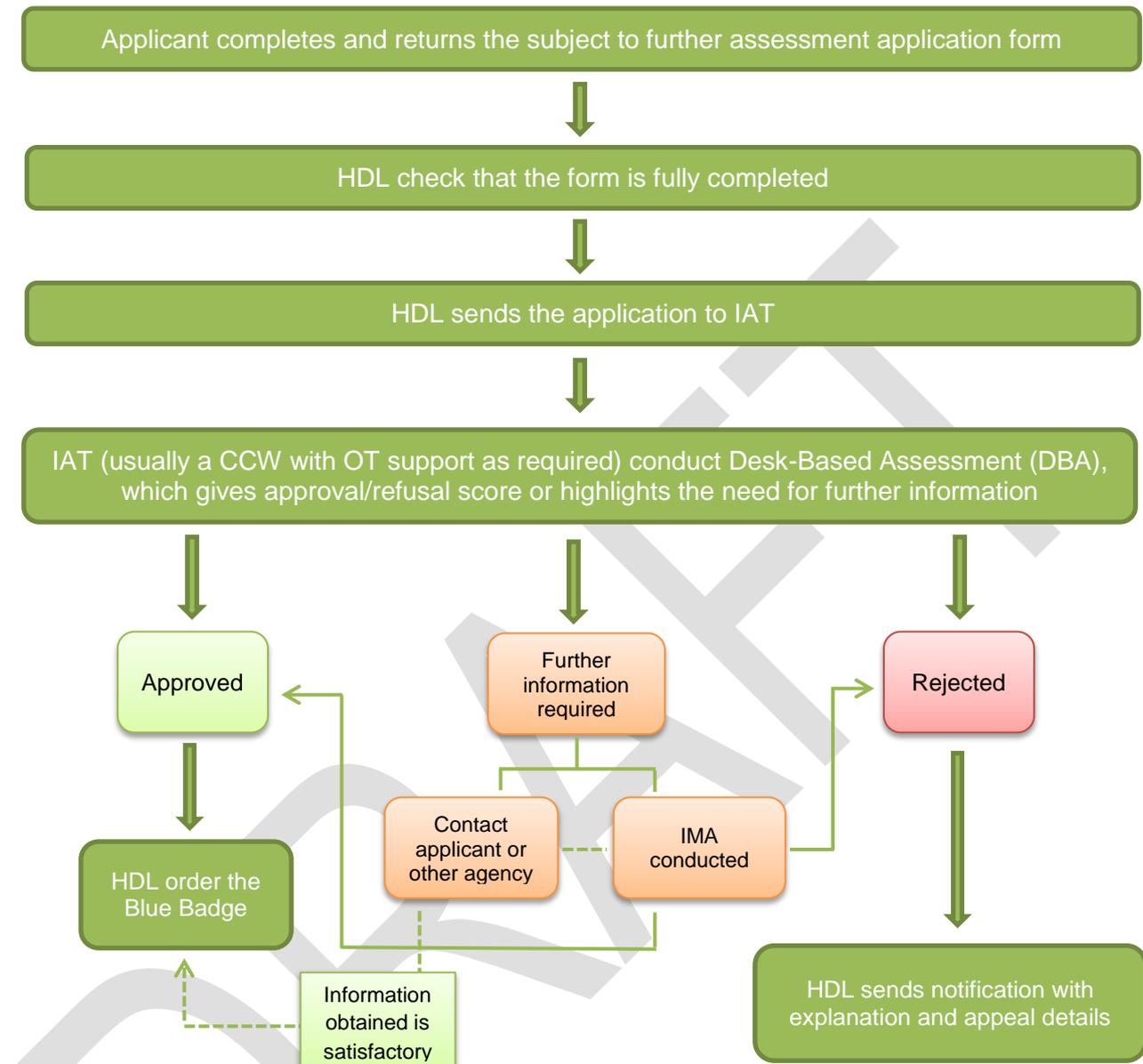
2.0	PROCEDURE	PRACTICE
	<ul style="list-style-type: none"> • Should have been returned to the issuing authority (for any of the reasons outlined in policy section 1.6); • Is being misused, which includes someone other than the holder using the badge without the badge holder being involved in the journey. <p>Any badges that are seized (either within or outside Halton) are returned to Halton Borough Council as the issuing authority and HDL/Contact Centre staff will take action as necessary:</p> <ul style="list-style-type: none"> • If seized under points 1-3 above, the badge would be destroyed; • If a valid badge is seized under point 4 above, it will normally be returned to the badge holder because the power to retain a badge is not the same as the power to permanently withdraw/confiscate a badge – the badge holder may not have known that the third party was using their badge. <p>HDL/Contact Centre staff will contact the badge holder to advise that they need to collect their badge in person from one of the HDL Offices. They will be asked to explain the circumstances surrounding the alleged misuse and will be reminded of their rights and responsibilities under the scheme and what constitutes proper badge use.</p> <p>It is important to note that under Regulation 9(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 a badge can be permanently withdrawn if a relevant conviction for misuse is obtained.</p> <p>Halton Borough Council reserves the right to investigate and take such legal measures as deemed appropriate. This may be in conjunction with other agencies as necessary.</p> <p>A relevant conviction requires that the non-badge holder is using the badge with the badge holder’s knowledge; whilst this can be difficult to prove, local authorities are able to refuse to re-issue a badge if there are reasonable grounds for believing that the applicant would permit another person to use it (Regulation 8(2)(d)(ii)).</p> <p>Decisions to request that a badge is returned or not to renew a badge due to misuse must be taken by the Divisional Manager with responsibility for the Blue Badge Scheme. These are also the only circumstances under which an applicant can make an appeal to the Secretary of State for Transport. Where an appeal to the Secretary of State is unsuccessful, further appeal will be via the magistrate’s court, whose decision is final.</p>	

2.0	PROCEDURE	PRACTICE
	<p><i>Reports of suspected misuse</i> Members of the public are able to report suspected badge misuse to the Council; such information will be shared with Cheshire Police and the Council's Benefit Fraud section as appropriate and further investigation will take place.</p> <p>Following a report of misuse, the badge holder may be contacted and asked to present their badge for inspection by a Team Leader at one of the HDLs. This provides an opportunity to check whether the badge has been tampered with and to advise the badge holder of their responsibilities and encourage them to comply with them in the future.</p> <p><i>Recording badge misuse</i> Accurate records of all badge seizures and reported incidences of (suspected) misuse must be maintained by HDL. Badge withdrawals or refusal to issue a badge due to misuse should be recorded on the BBIS system. Separate records of reported/suspected misuse are maintained internally in order to identify repeat incidences of misuse relating to the same badge holder.</p> <p>If more than one incident relating to an individual badge holder is recorded, a warning letter will be sent to the badge holder, advising that misuse is a criminal offence and if it continues, the badge may be revoked or not renewed upon expiry.</p>	

APPENDIX 1: Blue Badge application process flow chart



APPENDIX 2: Aged 3 and above subject to further assessment application process flow chart



APPENDIX 3: Appeals process flow chart

