EDUCATION AND SOCIAL CARE SERVICES

Blue Badge Scheme
(Disabled Persons’ Parking Scheme)

POLICY
DO THEY HAVE A VISUAL IMPAIRMENT?

This document is available in large print format upon request.

DO THEY HAVE DIFFICULTY UNDERSTANDING THE ENGLISH LANGUAGE?

If they have a problem reading or understanding the English language this document is available in a language of your choice.

Please ask an English speaking friend or relative to phone or write to The Moray Council Equal Opportunities Officer:

The Equal Opportunities Officer
Corporate Policy Unit
The Moray Council
High Street
Elgin, Moray
IV30 1BX
Tel: 01343 563321
Email equalopportunities@moray.gov.uk
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1.0 The Blue Badge scheme

The Blue Badge (Disabled Persons' Parking) Scheme was introduced in 1971 under Section 21 of the Chronically Sick and Disabled Persons Act 1970 (‘the 1970 Act’). The aim of the scheme is to help disabled people with severe mobility problems to access goods and services, by allowing them to park close to their destination. The scheme is open to eligible disabled people irrespective of whether they are travelling as a driver or as a passenger.

The scheme provides a national range of on-street parking concessions to Blue Badge holders. It allows them to park without charge or time limit in otherwise restricted on-street parking environments, and allows them to park on yellow lines for up to three hours, unless a loading ban is in place.

2.0 Publications/Information connected to this Policy

The following publications relate to the Blue Badge Scheme:

- "Can I get a Blue Badge?" leaflet
- "Rights and responsibilities of a Blue Badge holder" leaflet
- EU Parking Card - National Contact Points
- Guidance on applying the Disabled Persons (Badge for Motor Vehicles) (Scotland) Amendment Regulations 2007
- Tackling the Abuse of Off-Street Parking for People with Disabilities in Scotland - Main Findings
- Power to Inspect Vehicles Leaflet (2008)
- Using the Blue Badge in Europe
- Parking Concessions for Disabled People
- V188 Form - Exemption from Vehicle Tax for Disabled People
- Department for Transport's “Inclusive Mobility” Guide
3.0 Related Policies/Procedures/Legislation

- Data Protection Act 1998;
- Freedom of Information (Scotland) Act 2002;
- The Human Rights Act 1998
- The Equality Act 2010
- The disabled person’s parking badge scheme came into operation on 01 December 1971 by way of regulations made under Section 21 of the Chronically Sick and Disabled Persons Act 1970.
- Secondary legislation made by Scottish Ministers:
  - The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000
  - The Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2000
  - The Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2002
  - The Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2007
  - The Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2011
  - The Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment (No. 2) Regulations 2011
The Moray Council’s Service Users Contribution to the cost of Non Residential Social Care Services

Other relevant legislation:
- Regulation of Investigatory Powers (Scotland) Act 2000
- The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002

4.0 The application process

4.1 Apply online
Those resident in Scotland can apply online for a new Blue Badge:
http://www.directscot.org/article/DSContent_40

4.2 Paper Application
The paper application can be sourced from the Council Access Points or Moray Resource Centre (MRC), Maisondieu Road, Elgin, IV30 1RX, along with a copy of the Moray Council Blue Badge booklet.

4.3 Handling initial enquiries
Initial enquiries about Blue Badge applications will be handled by the Council's Access Team or Blue Badge team at MRC. This complements an online eligibility checker available at www.direct.gov.uk and a range of Frequently Asked Questions about Blue Badges available, and regularly updated, on the Moray Council website and in a printed format. Clinics are run weekly at MRC by trained volunteers to assist applicants complete the form on request. Appointments can be booked via MRC reception. NB Potential applicants should be provided with sufficient information and support regarding eligibility and the application process with particular reference to the supporting evidence required.
4.4 Application Screening

The initial screening is done by the Blue Badge Team at Moray Resource Centre, once a completed application form has been received. See Section 5.0 regarding eligibility.

5.0 Eligibility

Successful applicants fall in to two categories:

5.1 ‘Without further assessment’

A badge may be issued without further assessment if the applicant meets one of the following criteria:

1. Applicant receives the higher rate of the mobility component of Disability Living Allowance
2. Applicant is registered blind (severely sight impaired)
3. Applicant receives a War Pensioner’s Mobility Supplement
4. The applicant has been awarded both a lump sum benefit at tariffs 1-8 of the Armed Forces and Reserved Forces (Compensation) Scheme and are certified as having a permanent and substantial disability which causes the applicant to be unable to walk or have very considerable difficulty in walking.

These applicants are required to complete section 1, 2 and 7 of the application form and submit this along with:

- proof of residency or indicate their consent by ticking the box on the form allowing the Blue Badge team to check residency against the council tax database, or school role for under 16s
- A certified copy of a proof of identity
- A passport photo with their name printed on the back
- Evidence of the eligibility under one of the 4 criteria above as stated on the application form
5.2 ‘Subject to further assessment’

If the applicant doesn’t automatically qualify, they may still qualify if they meet one or more of these criteria:

1. have a permanent and substantial disability which means they are unable to walk or virtually unable to walk; or
2. have a temporary, but substantial disability, which means they are unable to walk or virtually unable to walk which is likely to last for a period of at least 12 months, but less than 3 years.) all of the above are discretionary
3. The applicant drives a vehicle regularly and has a severe disability in both arms which means they are unable to operate all or some types of parking meters.
4. The applicant is under 3 years of age and has a medical condition that means they must always be accompanied by bulky medical equipment.
5. The applicant is under 3 years of age and has a medical condition that means they must always be kept near a vehicle in case they need emergency medical treatment.

If none of the above applies, the applicant is unlikely to meet the eligibility criteria and therefore will not qualify for a Blue Badge.

If they meet criteria 1-3, they will need to include
- proof of residency or tick the box on the form allowing the Blue Badge team to check with the council tax database or school role for under 16s
- A certified copy of a proof of identity
- A passport photo with their name printed on the back

If they meet criteria 4
- A certified copy of proof of identity
- proof of residency and
- a letter from a consultant confirming they are under the age of age three and have a medical condition that means either that they must always be accompanied by
bulky medical equipment or always be kept near a vehicle in case they need emergency medical treatment.

6.0 The assessment process

From 1 September 2012 the way in which Blue Badges are assessed in Scotland has changed.

All 'subject to further assessment 'applications will be screened using a national desk based screening tool by an Occupational Therapist appointed by the council to carry out Independent Mobility Assessments (IMA). At this stage applications may be approved, refused or be referred for further assessment.

If further assessment is deemed necessary before a Blue Badge can be approved, the applicant will be invited to attend an Independent Mobility Assessment with the Council’s Blue Badge Occupational Therapist at Moray Resource Centre. It is the applicant's responsibility to arrange and fund transport to this appointment and failure to attend will result in their application being refused except in exceptional circumstances.

An Independent Mobility assessment will last for up to 30 minutes, during which their application details will be discussed and a physical assessment of their walking carried out. They will also be given both written and verbal information on other Occupational Therapy and Community Care services that may be of benefit to them. In some cases they may be referred on to other services where appropriate with the applicants consent.

The outcome of the assessment will be based solely on the applicant's functional ability to walk and takes into account gait, speed, distance, pain and breathlessness over 50 metres.
Badges are not issued to allow wider opening of a car door for easier access, difficulty with carrying, accessing toilets or any behavioural problems.

Where an application is refused, the applicant will be informed in writing of the decision, the reason for refusal and the appeal process.

Where an application has been approved, this will be processed by the Blue badge admin team and a badge sent by post to the applicants home within 7 to 10 days by Northgate systems and will include the booklet ‘rights and responsibilities’.

7.0 What does it Cost?
Blue Badges issued in Moray are currently subject to a charge of £20.

The charge applies to new Blue Badges, renewed Blue Badges and the fourth replacement Blue Badges (if the original is lost or stolen and reported to the Police) and is the same for both 12 month and 3 year badges.

8.0 Renewal blue badges
If the applicant has an old style card Blue Badge, an invitation to renew the Blue Badge will be sent out by letter by The Moray Council during the first week of the month when the existing Blue Badge expires (all old style card Blue Badges are issued to expire on the last day of a calendar month). An application form for completion is enclosed with the letter.

If the applicant has a new style PVC Blue Badge, invitations to renew will be sent from Northgate approximately 4 weeks before the expiry date (Northgate are a company who administer Blue Badges on behalf of all Local Authorities). New PVC Blue Badges can expire on any date of the month.

All renewals will be treated as a first application and will go through the same application and assessment process as described above. The applicant will be
required to include all supporting documentation with their application as outlined in Section 5.

9.0 Replacement blue badges
If a Blue Badge is lost or suspected stolen, this must be reported to the Police, who will issue a reference number. The holder should then write to the Blue Badge Team quoting the police reference and describing the circumstances of the loss/theft. A replacement will be issued up to 3 times before a charge is requested. The following will also be required:

- A new application form with section 1 completed and the declarations at section 7 signed
- Proof of residency
- A certified copy of a Proof of identity
- A passport photo with their name printed on the back

10.0 Return of Unexpired Badges
Unexpired badges are to be returned when no longer required (usually after a death) to the Blue Badge Team at Moray Resource Centre to mitigate the risk of improper use.

11.0 Display of Blue Badges
When using the parking concessions you must display the badge on the dashboard or facia panel, where it can be clearly read through the front windscreen. If there is no dashboard or facia panel in your vehicle, you must still display the badge in a place where it can be clearly read from outside the vehicle. The front of the badge should face upwards, showing the wheelchair symbol.

The side showing the photograph should not be visible through the windscreen.

You must also ensure that the details on the front of the badge remain legible. If they become unreadable through fading or wear and tear, you must return the badge to
your local authority so they can issue you with a new one. Displaying a badge that is illegible may result in a parking fine.

12.0 Power to inspect the Blue Badge
Police officers, traffic wardens, parking attendants and civil enforcement officers have the power to inspect the badge. These people should produce an identity card with their photograph on it to prove they are who they say they are. If any of these people ask to see the badge, you must show it to them. If you do not, you will be breaking the law and you could be fined up to £1,000.

13.0 Appeals
The appeals process is as follows:

**Stage 1**- Following refusal at desk based assessment the applicant may write to the Blue Badge Team at Moray Resource Centre to request a review within 28 days of receipt of the refusal letter. They will then be invited to attend for an Independent Mobility Assessment.

**Stage 2**- Following refusal after an Independent Mobility Assessment, an applicant may write to the Blue Badge Team at Moray Resource Centre to request a review within 28 days of receiving a refusal letter. The application and assessments will then be reviewed by the team lead or OT manager. Under certain circumstances, the applicant may be invited back for a second mobility assessment with a different assessor.

**Stage 3** – Following refusal at stage 2, applicants may write to the Blue Badge Team at Moray Resource Centre within 28 days of receiving a refusal letter to request a review of the decision which is then passed to senior management for consideration (Appeals Panel comprises of Occupational Therapy, Service Manager, and a Legal Services representative). This decision will be based on whether the assessment criteria has been appropriately approved. This decision is final.

Applicants may reapply in 6 months if their mobility deteriorates.
14.0 Complaints

The complaint procedure is applies when an applicant is unhappy with the conduct of staff rather than the decision.

15.0 Misuse of Blue Badge

Any suspected abuse of Blue Badges concerning on street parking should be referred to the Scottish Police.

Moray Council car park attendants may ask to see the Blue Badge for any car parked in Council Car Park disabled bays. Misuse of blue badges will be referred by car park attendants to the Blue Badge issuing team.

An excess charge notice can be levied for cars parked in car park disabled bays without a valid Blue Badge.

16.0 Organisational Badges

An ‘organisation’ is defined in legislation as meaning an organisation concerned with the care of disabled persons to which a disabled person’s badge may be issued.

Organisational badges will only be issued to organisations which:

- Cares for and transports disabled people who would meet one or more of the eligibility criteria for an individual blue badge; and
- Has a clear need for an organisational badge rather than using the individual blue badges of people it is transporting.

In all circumstances, badges will be supplied to organisations rather than individual members of staff.

All employees of the organisation who will be using the badge must only use it for the purposes of transporting disabled people in their care who meet one or more of the
eligibility criteria for an individual badge. Failure to do so may result in a fine up to £1000.

Organisations must complete sections 6 and 7 of the Blue Badge application form and submit this along with a photocopy of any tax disc(s) of vehicles licensed under the Disabled Passenger Vehicle (DPV) taxation class. There are also required to supply a declaration on the organisations letterhead stating that they are an organisation concerned with the care of disabled people who would themselves meet the eligibility criteria and that they will only be using the badge when transporting these people. The application form should be signed by a board member or trustee.

Organisational applications will be passed to the IMA for screening and at their discretion, a site visit may be carried out to determine eligibility and to explain the organisations rights and responsibilities under the scheme.

Where organisations are successful in their application, they will be invoiced £20 per badge by Moray Council.

Organisational badges will be valid for a period of three years from the date of issue.

17.0 **Equalities Statement**

17.1 The Moray Council will not and does not discriminate on any grounds. The Council advocates and is committed to equalities and recognises its responsibilities in this connection. The Council will ensure the fair treatment of all individuals and where any individual feels that they have been unfairly treated, they shall have recourse against the Council in line with the Council’s grievance and harassment procedures.

The Council will ensure that all communications with individuals are in plain English, and shall publish all information and documentation in a variety of formats and languages. Where required, the Council will use the services of its translation team to enable effective communication between the Council and individuals. Where an
individual has sight, hearing or other difficulties, the Council will arrange for information to be provided in the most appropriate format to meet that individual’s needs. The Council will also ensure that there are no physical barriers that could prohibit face to face communications.

If there is a complaint regarding discrimination, click on the link below for reporting form and procedure: http://www.moray.gov.uk/downloads/file62366.pdf.

18.0 Data Protection

18.1 The Data Protection Act 1998 governs the way information is obtained, recorded, stored, used and destroyed. The Moray Council complies with all the requirements of the Act and ensures that personal data is processed fairly and lawfully, that it is used for the purpose it was intended and that only relevant information is used. The Moray Council will ensure that information held is accurate, and where necessary kept up to date and that appropriate measures are taken that would prevent the unauthorised or unlawful use of any “personal information”.

19.0 Freedom of Information

19.1 The purpose of the Freedom of Information (Scotland) Act 2002 is to “provide a right of access by the public to information held by public authorities”. In terms of section 1 of the Act, the general entitlement is that a “person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority”. Information which a person is entitled to is the information held by the public authority at the time that the request is made. This is a complex area of the law that can overlap with the Data Protection Act and other legislation.

All Freedom of Information requests are to be sent to the Information Co-ordinator in the Chief Executives Department.
20.0 Human Rights Act

20.1 In October 2007 the three equalities commissions: Racial Equality, Disability Rights and Equal Opportunities were merged to form one Commission: The Equality & Human Rights Commission (Scotland).

The main aspects covered in the Human Rights Act 1998 are:
Right to life; protection from torture; protection from slavery and forced labour; right to liberty and security; right to a fair trial; no punishment without law; right to respect for private and family life; freedom of thought, belief and religion; freedom of expression; freedom of assembly and association; right to marry; protection from discrimination; protection of property; right to education and right to free elections.

The Human Rights Act can overlap with many areas of the Council’s policies, any doubts or queries regarding its effect or implications must be referred to the Legal Services Manager (Litigation and Licensing).

21.0 Review and Feedback

This policy will be reviewed in line with the Welfare Reforms implementations and changes to relevant legislation.