

Report of Chief Officer, Access and Care

Report to Interim DASS

Date: 18 March 2015

Subject: Eligibility for Organisational Blue Badges

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. An Organisational Blue Badge may be issued to an organisation for use in a motor vehicle when the vehicle is to be used to carry disabled people who would themselves be eligible for an individual blue badge
2. The Department for Transport Guidance states that local authorities have to check whether an organisation 'cares for and transports' disabled people who would themselves meet one or more of the eligibility for an individual blue badge.
3. An organisation also needs to have a clear need for an organisational badge rather than using the individual Blue Badges of people it is transporting in order to be eligible for a Blue Badge.
4. The current interpretation of 'care' (in the "cares for and transports" requirement) has led to some Organisations who previously had an Organisational Blue Badges becoming ineligible

Recommendations

1. The Interim Director of Adult Social Services agrees the new interpretation of 'care', as 'concerned with the care of disabled people'.
2. The Interim Director of Adult Social Services agrees the implementation and communication plan.

3. The Interim Director of Adult Social Services agrees for consultation to take place with the Council Contact Centre about process changes to issue Organisational Blue Badges.
4. Implementation will be by the Head of Service Access and Care with immediate effect.

1 Purpose of this report

- 1.1 To provide information to enable a decision to be made regarding the current policy for providing Organisational Blue Badges, specifically how the Council interprets “care” in the context of organisations needing to “care for and transport” people who would be eligible for an individual Blue Badge.

2 Background information

- 2.1 In April 2011 new guidance was published by the Department for Transport for the Blue Badge Scheme.
- 2.2 The guidance includes guidance for the delivery of the service for both individual and organisational blue badges
- 2.3 To issue and organisation with a Blue Badge, the Department for Transport Guidance states that local authorities have to check whether an organisation ‘cares for and transports’ disabled people who would themselves meet one or more of the eligibility for an individual blue badge.
- 2.4 The organisation also has to have a clear need for an organisational badge rather than using the individual Blue Badges of people it is transporting
- 2.5 The guidance states that it is unlikely that private hire operators and community transport operators would be eligible for an organisational badge as they are not usually concerned with the care of disabled people.
- 2.6 Examples of organisations that may be eligible for an organisational badge are given in the guidance and include residential homes, hospices and local authority social services departments.

3 Main issues

- 3.1 To date the Blue Badge service in Leeds has interpreted ‘care’ as hands on care, based on the examples of eligible organisations given in the guidance, as noted in 2.6.

- 3.2 As a result the number of Organisational Badges awarded has reduced since 2011 when 50 Organisational Badges were issued, to 24 being issued between 1 April 14 and 1 March 15.
- 3.3 Some organisations including Neighbourhood Networks and Community Transport Schemes, who previously received badges, have been ineligible for a badge under this definition of 'care'.
- 3.4 Legal advice was sought with regard to the Leeds definition of 'care'. It was confirmed that the existing policy was consistent with the guidance, however, it was determined that there was sufficient latitude to define 'care' more broadly to ensure appropriate organisations in Leeds are able to use an Organisational Blue Badge in order to support older and disabled people.
- 3.5 Information was received from the DfT on 13th March 2015, following an enquiry made to them on the 12th February regarding the definition of 'care' in the context of organisational badges. The DfT response advises that '..the word 'care' is not defined in the legislation that governs the Blue Badge Scheme'. The response further refers the Council to the Chronically Sick and Disabled Persons Act 1970 and the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000 defining an eligible organisations as one "concerned with the care of" the disabled or disabled persons.
- 3.6 It is proposed that the Council change its interpretation of "care" (in the context of the eligibility for an Organisational Blue Badge) to "Concerned with the care of disabled people".
- 3.7 It is further proposed that the application form should be amended to determine the type of organisation that is applying e.g. neighbourhood network, community transport, residential homes, so it can be confirmed that they are concerned with the care of disabled people.
- 3.8 An organisation having use of an adapted vehicle, for example with a tail lift, would also be a factor to consider that they are concerned with the care of disabled people.
- 3.9 The proposed approach would allow applications for Organisational Blue Badges to be dealt with by the Blue Badge Team at the Contact Centre as it will be administrative process only. This may have resource implications for their team and would need consultation with them.
- 3.10 The appeals process could remain as it is currently, with Adult Social Care. This to be subject to consultation with the contact centre.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Consultation was held regarding the changes in the process for individual badges in 2010/11, but organisational badges were not included.

- 4.1.2 Consultation would need to be undertaken with the Contact Centre if there is to be a change in process

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 In 2011 two Equality Impact assessments were completed, one in regard to the changes in process, and the other around the introduction of charges for blue badges.
- 4.2.2 A EIA screening has been completed and determined an EIA is not required.

4.3 Council policies and City Priorities

- 4.3.1 The service contributes to National Indicator 142: the percentage of vulnerable people supported to achieve independent living.
- 4.3.2 The service contributes to the City Priority Plan 2011 to 2015, Best City for health and wellbeing: Supporting more people to live safely in their own homes and give people choice and control over their health and social care services.
- 4.3.3 The service contributes to the Council Business plan 2011 to 2015, Adult Social Care Directorate Priorities and Performance Measures by ensuring more people with poor physical or mental health remain living at home longer.
- 4.3.4 The service supports adults whose circumstances make them vulnerable to live safe and independent lives.

4.4 Legal Implications, Access to Information and Call In

- 4.4.1 The Blue Badge guidance is non-statutory guidance, to support the amended regulations, and shares good practice.
- 4.4.2 A legal opinion was sought with regards to the interpretation of 'care' as there is no definition of 'care' in the guidance. It is left to local authorities to determine this issue for themselves.
- 4.4.3 Legal opinion was that while Leeds' original interpretation of the definition of 'care' was consistent with the guidance, there was sufficient latitude to define 'care' more broadly.

4.5 Risk Management

- 4.5.1 To reduce the risk of organisations not being aware that they may now be eligible any decision needs to be clearly communicated to organisations within Leeds.
- 4.5.2 There is a risk is that organisations may only transport a few people who would be eligible for a badge in their own right.

5 Conclusions

- 5.1 Legal confirms that the current interpretation of 'care' is consistent with guidance, but we have latitude to widen the definition.
- 5.2 Widening eligibility would be to the benefit of many older and disabled people supported by Organisations.

6 Recommendations

- 6.1 The Interim Director of Adult Social Services agrees the new interpretation of 'care', as 'concerned with the care of disabled people'.
- 6.2 The Interim Director of Adult Social Services agrees the implementation and communication plan.
- 6.3 The Interim Director of Adult Social Services agrees for consultation to take place with the Council Contact Centre about process changes to issue Organisational Blue Badges.
- 6.4 Implementation will be by the Head of Service Access and Care with immediate effect.

7 Background documents¹

- 7.1 Non

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.