



Blue Badge Policy

BLUE BADGE DISABLED PARKING SCHEME POLICY

1 SHEFFIELD CITY COUNCIL'S COMMITMENT

- 1.1 The blue badge scheme plays a key role in promoting the mobility of severely disabled people by providing a range of parking concessions.
- 1.2 We are responsible for administering the scheme and are committed to making the process as clear and straightforward as possible to encourage potentially eligible people to apply.
- 1.3 We seek to ensure that this policy, qualifying criteria and terminology are applied consistently to all applications.
- 1.4 We will determine in each case whether a person falls within the prescribed descriptions of disabled persons to whom a Local Authority may issue a badge.
- 1.5 We will take a holistic approach in assessing whether an applicant meets the prescribed criteria and therefore the majority of applications will not be assessed solely on the basis of a person's medical condition(s).
- 1.6 In line with guidance from the Department for Transport, we work with Physiotherapists to assess those applicants who may be eligible subject to further assessment.
- 1.7 We will work with Sheffield Primary Care Services (Commissioned Provider Services) to ensure that a consistent approach is delivered throughout the process using guidance from the Department for Transport.
- 1.8 We strive to reduce abuse of the blue badge scheme by seeking to ensure that blue badges are only issued to those who are eligible.
- 1.9 We are committed to reducing fraudulent use of blue badges by prosecuting drivers who misuse them.
- 1.10 We are committed to progressive ways of working and the use of new technology where appropriate.
- 1.11 The issuing of a blue badge is seen as part of a holistic process and applicants will be signposted to other relevant services where appropriate.

2 ASSESSING ELIGIBILITY

2.1 There are two differing types of eligibility criteria:

- **Eligible without further assessment:** a customer is automatically eligible for a blue badge without need for a further assessment if it is proved that they are in receipt of certain qualifying benefits or meet certain statutory criteria.
- **Eligible subject to further assessment:** a customer with a disability may be eligible for a blue badge subject to the discretion of Sheffield City Council.

ELIGIBLE WITHOUT FURTHER ASSESSMENT

2.2 Applicants may be issued with a badge without assessment if they are over the age of two and it is evidenced that they fall within one or more of the following descriptions:

- (a) they receive the Higher Rate of the Mobility Component of the Disability Living Allowance or Personal Independent Payment (PIP) standard rate. Payment under Moving Around Assistance (8 points or above, this does not include points under planning a journey).
- (b) they are registered blind
- (c) they receive War Pensioner's Mobility Supplement

2.3 Applicants who are eligible via criteria 2.2 (a) or (c) above will need to provide us with adequate and appropriate evidence to prove their entitlement. The following forms of proof of entitlement are accepted:

Criteria	Evidence
(a) Higher Rate Mobility Disability Living Allowance or Personal Independent Payment (PIP) standard rate. Payment under Moving Around Assistance (8 points or above, this does not include points under planning a journey).	Copy of award notice letter from the Department of Work and Pensions (dated within 12 months of application) or Copy of evidence of a vehicle with excise duty exemption
(c) War Pensioner's Mobility Supplement	Copy of award letter from the Service Personnel and Veterans Agency

2.4 Applicants who are eligible via criterion 2.2(b) – because they are registered blind – will need to provide consent to allow us to verify that they are registered as 'severely sight impaired' with Sheffield City Council or another local authority. Alternatively applicants can supply a Certificate of Vision Impairment signed by a Consultant Ophthalmologist.

2.5 Applicants who produce a Certificate of Vision Impairment and are not registered with Sheffield City Council as severely sight impaired will be supported to register should they wish to.

3 ELIGIBLE SUBJECT TO FURTHER ASSESSMENT

- 3.1 Applicants may be issued with a badge following further assessment if they are over the age of two and it is evidenced that they fall within one or more of the following descriptions:
- (a) drive a vehicle regularly, have a severe disability in both arms and they are unable to operate, or have considerable difficulty in operating, all or some types of parking meter
 - (b) they have a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking

(a) SEVERE DISABILITY IN BOTH ARMS

Drive a vehicle regularly, have a severe disability in both arms and is unable to operate, or has considerable difficulty in operating, all or some types of parking meter

- 3.2 To qualify under this criterion the applicant must hold a driving licence and drive a car often e.g. at least once a week.
- 3.3 If the vehicle the applicant drives is an adapted vehicle, this will be a contributory factor. However an adapted vehicle is not an automatic qualification for a blue badge.
- 3.4 The applicant must also be assessed as not the having the necessary range and/or movement required to use a parking meter e.g. they cannot physically grasp a coin or push the correct buttons on the meter.
- 3.5 Examples of the types of condition that eligible applicants may have include: a limb reduction deficiency of both arms; bilateral upper limb amputation; muscular dystrophy; spinal cord injury; motor neurone disease. Other conditions of comparable severity will also be considered. However in line with our overall approach, applications will not be assessed solely on the basis of a person's condition(s). Having a particular medical condition will not guarantee entitlement to a badge – we will assess the impact of a person's condition(s).
- 3.6 Verification on whether applicants meet the criteria for severe disability in both arms will take place via the application form process and where appropriate through assessment and interview by a physiotherapist. A physiotherapy assessment could include a remote review of the person's application or a face-to-face assessment. Following the assessment the physiotherapist will then make a recommendation.
- 3.7 Where appropriate, we will review existing records to determine eligibility (e.g. if the person has any adaptations around the home and we hold the information on our systems). In all such cases a person's consent will be obtained in advance.

- 3.8 In very exceptional circumstances there may be a justifiable reason why an applicant cannot attend a physiotherapy appointment. In such cases an alternative method of obtaining evidence will be agreed with the applicant at the time of application.
- 3.9 The final decision about whether a blue badge should be issued is held by Sheffield City Council.

(b) WALKING DISABILITY

A person has a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.

- 3.10 To qualify under this criterion the applicant must show that their degree of disability is comparable to the appropriate criteria of the Higher Rate Mobility Component of the Disability Living Allowance or Personal Independent Payment (PIP) standard rate. Payment under Moving Around Assistance (8 points or above, this does not include points under planning a journey).
- 3.11 The two relevant criteria are:
- *'Unable or virtually unable to walk due to physical disability'*
- Or
- *'By making the effort required to walk would endanger their life or be likely to lead to a serious deterioration in their health'*
- 3.12 The applicant must have a permanent condition, in other words a condition that is either degenerative or is likely to last at least three years.
- 3.13 The amount of time the applicant has had the condition is irrelevant however as badges are issued for a period of three years then the applicant must continue to meet the criteria for the period of the blue badge.
- 3.14 An applicant who will be having medical intervention to relieve the symptoms of their condition will need to establish that the disability is permanent. If it is a temporary or transient disability and it is assessed that their mobility will sufficiently improve within a 3 year period, they would not meet the eligibility criteria for a badge. If the disability is permanent but is likely to be relieved by a medical intervention scheduled to take place during the lifetime of badge, then the badge will be issued for a 3 year period. However the badge must be returned to the authority immediately if the badge ceases to be required because the holder is no longer disabled or meets the criteria for the badge. We will ask all applicants if they have a medical intervention scheduled and request the date of the intervention, in order that the applicant can be contacted following the intervention and an appropriate rehabilitation period to determine if the badge is still required.

- 3.15 To meet the criteria of being 'unable to walk' the applicant needs to show that as a result of a disability they are unable to take a single step or cannot put one foot in front of another.
- 3.16 Applicants who permanently can only get around by swinging through crutches will be eligible for a blue badge, but other walking aids will not automatically indicate eligibility.
- 3.17 The applicant will need to demonstrate that they are unable to walk very far without experiencing severe discomfort. The discomfort may take place at the time of their walk or later.
- 3.18 Assessments will be based on a package of evidence and will focus on the impact of the applicant's condition upon their ability to walk and not solely on any medical condition(s) they may have. The assessment will be based on the information provided at time of application and an assessment by a physiotherapist may be required. The physiotherapy assessment could include a remote review of the person's application or a face-to-face interview and physical assessment.
- 3.19 The assessments will consider a range of information provided by the applicant including:
- distance over which they can walk
 - speed at which they can walk
 - length of time they can walk
 - manner in which they walk
 - medical history
 - medical symptoms
 - medication/pain management
 - mobility outside the home
 - adaptations in their home
 - any supporting medical evidence
 - severity of discomfort
- 3.20 An applicant may also be eligible for a blue badge if they can demonstrate that making the effort to walk would endanger their life. This criterion is intended for people with serious chest, lung or heart conditions where the physical exertion required to walk, would as a direct result, cause a danger to the applicant's health. However in line with our overall approach, applications will not be assessed solely on the basis of a person's condition(s) – the range of information at 3.19 will be considered.
- 3.21 Applicants with conditions such as asthma, autism, psychological / behavioural problems, Crohn's disease / incontinent conditions and ME will not receive a badge solely on account of their condition. We will assess the mobility of applicants using the range of information / tests outlined at 3.19 and as referred to in the Department for Transport guidance. The impact that a person's condition may have on their mobility will be considered, but in all cases we retain discretion.

- 3.22 Where appropriate, we will review existing records to determine eligibility. In all such cases a person's consent will be obtained in advance.
- 3.23 If a Blue Badge applicant has had two previous badges (6 years) but has not received Mobility benefit during this time (should they be eligible to do so based on their age) they will be invited to attend a Physiotherapist assessment to confirm continued eligibility.
- 3.24 The Mobility criteria to receive a Blue Badge is equivalent to the Higher Rate of DLA or standard PIP. If an applicant is refused a qualifying benefit with the last 6 months then they will not be eligible for a Blue Badge mobility assessment.
- 3.25 In very exceptional circumstances there may be a justifiable reason why an applicant cannot attend a physiotherapy appointment. In such cases an alternative method of obtaining evidence will be agreed with the applicant at the time of application.
- 3.26 The final decision about whether a blue badge should be issued is held by Sheffield City Council.

CHILDREN UNDER THE AGE OF THREE

- 3.25 Children under the age of three may be issued with a badge if it is evidenced that they fall within either or both of the following descriptions:
- (a) The child has a medical condition that requires that they be always accompanied by bulky medical equipment which cannot be carried around with the child without great difficulty (see Appendix 1 for a list of the types of equipment.)
 - (b) The child has a condition that requires that they must always be kept near a motor vehicle so that they can, if necessary, be treated for that condition in the vehicle or taken quickly in the vehicle to a place where they can be so treated (see Appendix 1 for a list of the types of condition)
- 3.26 Supporting evidence (e.g. a signed declaration as at Appendix 1) from a paediatrician detailing the type of equipment needed or the type of condition should be supplied with the application.
- 3.27 If a decision cannot be made based on the paediatrician's evidence then further correspondence may be required, the child will not be asked to go for a physical assessment.
- 3.28 The Department for Transport guidance outlined at Appendix 1 suggests relevant equipment and conditions that should be considered, however our discretion is to be applied in considering the evidence from a paediatrician.

4 ELIGIBLE SUBJECT TO OTHER CIRCUMSTANCES

- 4.1 Requests from practitioners on behalf of their terminally ill patients are dealt with wherever possible on the same day and the issued blue badge will be reviewed after 12 months.
- 4.2 Organisational badges are provided to organisations that care for disabled people and establish that they have a need for an organisational blue badge rather than using an individual's blue badge. The organisation needs to submit a specific application form, a copy of the Disabled Persons Vehicle Tax Disc (DPV) and details of the numbers of and needs of the people in their care. In line with best practice suggested by the Department for Transport, the organisation should generally support at least 12 qualifying disabled people.

ATTENDANCE ALLOWANCE

- 4.3 Since 2003 applications from applicants with Higher Rate Attendance Allowance have been treated as an automatic application.
- 4.4 As Higher Rate Attendance Allowance is an indicator of an individual's personal care needs rather than mobility, from March 2009 new applicants in receipt of Higher Rate Attendance Allowance will be treated as all other applications subject to further assessment.
- 4.5 The final decision about whether a blue badge should be issued is held by Sheffield City Council.

5 DATA PROTECTION AND CONSENT

- 5.1 In order to make the application process as streamlined as possible, we will, where appropriate and with the applicant's consent access other council systems to make verification of eligibility easier.
- 5.2 Information held on systems external to Sheffield City Council such as benefit information held by Department for Work and Pensions may also be accessed, with the applicant's consent, to make verification of eligibility easier.
- 5.3 Where appropriate, applicants will be signposted to other services and benefits that they may find useful.
- 5.4 The period of issue on DLA/PIP evidence will be recorded as part of the application process. The intention is to be able to improve the renewal process for applicants granted Higher Rate Mobility DLA or standard rate PIP.
- 5.5 Some of the information gathered about blue badge holders at the time of application may be used to produce renewal documentation which will be issued to the blue badge holder.
- 5.6 We co-operate with a National Fraud Initiative conducted by the Cabinet Officer and may supply basic data about blue badge holders when requested to do so.
- 5.7 We may, where appropriate and with the applicant's consent contact other agencies to make verification of eligibility easier

6 APPEALS AND COMPLAINTS

- 6.1 There is no statutory right to an appeal against refusal to grant a badge when it has been refused because an individual has failed to satisfy the Council that s/he falls within the prescribed criteria.
- 6.2 Sheffield City Council and the Sheffield Teaching Hospitals NHS Foundation Trust are committed to following a complaints and appeals process
- 6.3 If a negative decision is made by us on the basis of the application form alone, an applicant can appeal the decision within 21 days of the date of the letter notifying the applicant of the decision. Discretion will be exercised as to whether to agree to process the appeal if the appeal is received after 21 days. Applicants who have been refused a badge on the basis of the application form alone and who subsequently appeal will be referred to a Physiotherapist for further assessment.
- 6.4 If an applicant receives a negative decision following a Physiotherapy assessment, the applicant can make a complaint. This will be treated as a complaint rather than an appeal because the Council will not question the merits of a medical assessment made by the Physiotherapist.
- 6.5 Where a complaint from an applicant concerns the merits of medical assessment made by the Physiotherapist, the onus will be on the complainant to provide alternative compelling medical evidence. Such evidence should include a declaration showing how the applicant meets the mobility criteria from an appropriate medical practitioner such as a Consultant. We will not accept evidence from the person's GP (in line with the national approach of not accepting GP assessment). We will deal with these complaints and decide the complaint having regard to all the evidence
- 6.6 A complaint not received in writing will be accepted, but a written transcript of the complaint will need to be produced and sent to the complainant to confirm the details of the complaint.
- 6.7 In accordance with our corporate response timescales the council will aim to deal with all blue badge complaints and provide a full answer within 28 days. A small number of more complex complaints may take longer than 28 days to fully investigate. If this happens we will tell the customer why we need longer and propose a timetable for completing the investigation into the complaint.
- 6.8 Complaints may be managed and responded to in full by us but some will also require input from Sheffield Teaching Hospitals NHS Foundation Trust. The table below lists responsibility for input to the complaints process. In all cases Customer Services will be responsible for coordinating the response to the complaint and will analyse complaints (e.g. trends) to improve service delivery.

6.9

Type of Complaint	Respondent(s)
Problems caused by something we have done or not done (that has influenced the decision)	Customer Services Sheffield Teaching Hospitals NHS Foundation Trust
Dissatisfaction with the way customer has been treated – e.g. attitude of SCC employee or NHS Physiotherapist	Customer Services Sheffield Teaching Hospitals NHS Foundation Trust
Dissatisfaction with the quality or quantity of service being provided	Customer Services
Dissatisfaction with the cost of services or charging mechanisms	Customer Services
Dissatisfaction with council policy	Customer Services
Dissatisfaction with the merits of the physiotherapist assessment or belief that a physiotherapist is not an appropriately qualified practitioner to assess their condition	Customer Services (who will request compelling medical evidence to support this claim)
Dissatisfaction about the withdrawal of a Blue Badge	Customer Services

6.10

Sheffield City Council retains the responsibility for the blue badge process.

7 ENFORCEMENT

- 7.1 We are committed to reducing fraudulent use of blue badges by prosecuting drivers who misuse them.
- 7.2 Information on blue badge holders will be shared between Parking Services and Customer Services to identify and confirm misuse of blue badges.
- 7.3 There are several ways in which a blue badge can be misused including:
- Use of a badge that is no longer valid
 - Misuse of a valid badge by someone who isn't the badge holder (either with or without the badge holders permission)
 - Use of a badge that has been lost, stolen or copied
- 7.4 Our Civil Enforcement Officers (CEO's) may issue Penalty Charge Notices (PCN's) for any parking contravention observed; this may include cases where they suspect a displayed badge is misused. They will:
- Gather evidence to verify whether a badge is valid, e.g. it may look like a photocopy, appear to have been tampered with or be more than two weeks out of date
 - Contact the Customer Services Team to clarify if the blue badge is being used by the holder or that the badge is still valid
- 7.5 CEO's will issue PCN's for any parking contravention that has occurred; this may include to vehicles parked in blue badge parking areas that are incorrectly displaying a blue badge.

Examples of when this could happen are:

- Badge displayed incorrectly where the officer cannot establish the validity of the badge, the expiry date and/or there is no time clock
 - Where the badge is out of date beyond the statutory two week allowance for expired badges
 - When the driver does not make a reasonable effort to show there is a blue badge holder present
- 7.6 PCN's will be issued where a blue badge holder has parked in an area where there is a restriction which applies to blue badge holders. Details of these restrictions are contained in "The Blue Badge scheme: rights and responsibilities in England" leaflet available to download from www.sheffield.gov.uk.
- 7.7 We have the right to withdraw a badge if the holder or any other person using that badge with the knowledge of the holder at any time during which the offence was being committed has a "relevant conviction" for misuse. These relevant convictions are for any offence—

(i) under section 21(4B) of the Chronically Sick and Disabled Persons Act 1970;

(ii) under section 115 or 117 of the Road Traffic Regulation Act 1984;

(iii) involving dishonesty or deception under any other provision of the 1970 Act, of the 1984 Act or of any other legislation applicable in the United Kingdom, or any part of the United Kingdom.

7.8 If fraudulent use is suspected, the CEO can request that the Blue Badge is surrendered to them. Surrendered blue badges are then returned to the Blue Badge Team, who will liaise with the holder.

7.9 On successful prosecution for blue badge fraud the badge will be permanently withdrawn. This decision can be challenged through the Council's complaints procedure (section 6).

8 DISCRETION

- 8.1 If a blue badge holder wishes to challenge a PCN then they must do so via the normal regulated process. Details are provided on the PCN issued. The badge holder should provide as much detail as possible to support any challenge. Advice on making a challenge can be obtained by visiting www.sheffield.gov.uk/parking or by calling 0114 2734567
- 8.2 Parking Services have discretion to cancel PCN's. They will consider in appropriate cases cancelling the first Penalty Charge Notice which is issued to a registered keeper, if evidence is provided that the vehicle was being used by a blue badge holder, in a location where a blue badge is valid. The badge holder / driver / registered keeper will be advised that future PCNs issued in similar circumstances will be enforced unless evidence is provided to Parking Services to establish that there are exceptional circumstances that warrant the cancellation of the PCN.
- 8.3 Parking Services will not normally cancel a PCN issued in connection with blue badge use where the vehicle is parked in contravention of restrictions for which a blue badge does not provide an exemption.
- 8.4 Confirmation of PCN cancellation will be sent in writing to the appellant in the form of a written Notice of Cancellation.
- 8.5 We will write to any badge holder who has had action taken against them for misuse to advise of the restrictions of the scheme and outline the consequences of continued misuse, which may include prosecution

9 WHAT SHEFFIELD CITY COUNCIL WILL DO

- 9.1 We want everyone to be clear about how and where they should use their blue badge. The Council have information available on the blue badge scheme, parking restrictions, how to appeal and all available parking areas.
- 9.2 The DfT have produced a guidance leaflet 'The Blue Badge scheme; rights and responsibilities in England' which provides further guidance on this subject. We can also be contacted to provide further information to blue badge holders
- 9.3 Blue badges will be issued via post to the applicant's address or to the applicant only at First Point, Howden House.
- 9.4 All blue badges will be valid for 3 years with the exception of cases where:
- the Higher Rate Mobility Component of DLA or Personal Independent Payment (PIP) standard rate. Payment under Moving Around Assistance (8 points or above, this does not include points under planning a journey). Or the War Pensioner's Mobility Supplement is for a shorter period,
- or
- a child under 3 years where it will be issued for a period ending on the day immediately following the child's third birthday.
- or
- where the recipient has received a Blue Badge for one year due to being terminally ill.
- 9.5 When a blue badge expires, the applicant will be expected to return the Blue Badge to us prior to the issue of a further or replacement badge.
- 9.6 If an application is refused then the applicant will be informed of the reasons why the refusal decision was made.
- 9.7 Applicants will be made aware of the appeals and or complaints processes if they are dissatisfied with the decision or the assessment process.
- 9.8 We will advise blue badge holders of their responsibilities under the scheme and the potential consequences of misusing their badge.
- 9.9 We will ensure that badge holders are informed that they must display their badges correctly, because if they fail to they may receive a Penalty Charge Notice.
- 9.10 This policy will be re-assessed in line with relevant changes in law or Government guidance

Appendix 1

Examples from the DfT guidance of the types of bulky equipment that might need to accompany eligible children under 3:

- I. **Ventilators** – drive air through a tube placed into the windpipe. They blow oxygen-enriched air gently into the lungs through a tube that is passed through the mouth or nose, or via a tracheotomy.
- II. **Suction machines** – are portable suction apparatus used for aspirating fluids and vomit from the mouth and airway by sucking the material through a catheter into a bottle using a vacuum pump (piston, diaphragm, or rotary vane), bacterial filter, vacuum gauge, trap for moisture (or any debris accidentally drawn into the mechanism), a reservoir for the aspirated material, and a suction catheter or nozzle.
- III. **Feed pumps** – deliver fluid feeds via a nasogastric tube to the child's stomach.
- IV. **Parenteral equipment** – services intravenous lines providing nutrition if a child is unable to take food or fluids through his or her mouth. The line can also be used or injecting medication
- V. **Syringe drivers** – are used to deliver medication by intravenous injection (e.g. antibiotics), or by subcutaneous injection (e.g. insulin to control diabetes) this can be given by using a small pump known as a syringe driver. A syringe is attached to the syringe driver and the drug is released through a small needle
- VI. **Oxygen administration equipment** – consists of a tank and regulator with supply equipment for oxygen; mask or nasal prongs and tubing
- VII. **Continuous oxygen saturation monitoring equipment** – involves a device usually strapped to the child's foot or hand. This shines light through the skin and monitors the amount of oxygen in the blood. It is used to monitor where a child may need access to oxygen
- VIII. **Casts and associated medical equipment for the correction of hip dysplasia** – between birth to six months of age, a brace called a Pavlik harness is often used to hold the baby's hips in position. The Pavlik harness is made of canvas, with straps, Velcro and buckles. From six months and over a child is often placed in a Spica cast after surgery. A Spica cast can be either plaster or fibreglass and will encase the child from the chest down to cover one leg or both. In both cases the apparatus is likely to be deployed for a period of up to three months per hip.

The lists provided above are indicative only and are not intended to be exhaustive to allow for new advances in technology and treatment equipment

Examples from the DfT guidance on qualifying unstable medical conditions for children under 3 are:

- children with tracheostomies;
- children with severe epilepsy/fitting;
- children with highly unstable diabetes;
- terminally ill children who can only access brief moments of outside life and need a quick route home

Medical Declaration

In connection with an application made for The Blue Badge Scheme for a child under 3.

I.....(insert Paediatrician name) have read
Sheffield City Council’s policy on eligibility for children under the age of three and
consider that(insert applicant’s name) qualifies for a
Blue Badge under the following criteria:

Is under the age of three and has a medical condition that requires that they be always accompanied by bulky medical equipment which cannot be carried around with the child without great difficulty

Is under the age of three and has a condition that requires that they must always be kept near a motor vehicle or taken quickly in the vehicle to a place where they can be so treated

Paediatrician signatureDate

Paediatrician address or practice stamp

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.....
.....
.....
.....

Telephone number

Fax number

Email address