



# Sheffield City Council Blue Badge Policy

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# **BLUE BADGE DISABLED PARKING SCHEME POLICY**

## **1 OUR COMMITMENT**

- 1.1 The blue badge scheme plays a key role in promoting the mobility of severely disabled people including those with hidden disabilities by providing a range of parking concessions.
- 1.2 Sheffield City Council is responsible for administering the scheme and is committed to making the process as clear and straightforward as possible to encourage potentially eligible people to apply.
- 1.3 Sheffield City Council seeks to ensure that this policy, qualifying criteria and terminology are applied consistently to all applications.
- 1.4 Sheffield City Council 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 The Council 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, Sheffield City Council will work with expert assessors to reconsider those applicants who may be eligible subject to further assessment
- 1.7 Sheffield City Council strives to reduce abuse of the blue badge scheme by seeking to ensure that blue badges are only issued to those who are eligible.
- 1.8 Sheffield City Council is committed to progressive ways of working and the use of new technology where appropriate.
- 1.9 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**

2.2 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.

2.3 Eligibility will be carefully assessed to maximise the fairness and consistency of badge issue. Sheffield City Council will keep a record of the procedures used and the outcome of the assessment process.

### **2.4 Eligible without further assessment**

2.4.1 Applicants may be issued with a badge without assessment if they evidence that they fall within the descriptions outlined in Appendix 1.

### **2.5 Eligible subject to further assessment**

2.5.1 From 30 August 2019, further assessment will include applications from people with hidden disabilities as well as those with overt physical disabilities. Sheffield City Council will follow Department for Transport guidance for assessing applicants. A badge may be issued if applicants fall within the Department for Transport guidelines outlined in Appendix 2.

### **2.6 ELIGIBLE SUBJECT TO OTHER CIRCUMSTANCES**

Applicants may be eligible for a badge subject to other circumstances outlined in appendix 3

### **2.6 Organisational Eligibility Criteria**

2.6.1 An organisational badge may be issued to an organisation when the vehicle or vehicles are to be used to carry disabled people who would themselves be eligible for a badge as specified in Section 4(2) of the 2000 Regulations. 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 Persons Act 1970.

## **3. SHEFFIELD CITY COUNCIL'S ASSESSMENT APPROACH**

3.1 Sheffield City Council has developed a desk-based assessment tool to determine the eligibility of appropriate mobility-based Blue Badge applications. The assessment tool has been developed by Independent Physiotherapists who are familiar with Blue Badge eligibility assessments.

When it is not fully clear whether or not an applicant is eligible, the application may be referred to an expert assessor who is able to certify whether or not the applicant meets the criteria for eligibility. This assessor may be a professional, other than a GP, involved in the ongoing treatment and support of the applicant. There is no cost to the applicant for this assessment.

#### **4. UNSUCCESSFUL APPLICATIONS**

- 4.1 Where Sheffield City Council receives an application for a badge and refuses to issue one, it will let the applicant know in writing why their application was refused. Every applicant who is refused a badge will be given an explanation of the grounds for refusal.

#### **5. DATA STORAGE AND SHARING**

- 5.1 Sheffield City Council maintains a register detailing the holders of badges issued by the authority
- 5.2 In order to make the application process as streamlined as possible, Sheffield City Council will, where appropriate, and with the applicant's consent, access other council systems to make verification of eligibility easier.
- 5.3 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.

Sheffield City Council may, where appropriate and with the applicant's consent contact other agencies to make verification of eligibility easier.

- 5.4 Where appropriate, applicants will be signposted to other services and benefits that they may find useful.
- 5.5 The period of issue on DLA 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.
- 5.6 Some of the information gathered about blue badge holders at time of application may be used to produce renewal documentation which will be issued to the blue badge holder.
- 5.7 Sheffield City Council co-operates with a national fraud initiative conducted by the Audit Commission and may supply basic data about blue badge holders when requested to do so. Blue badge holders will be informed of this and any similar initiatives.

5.8

#### **6. REVIEWS AND COMPLAINTS**

- 6.1 There is no statutory right to an appeal against refusal to grant a badge. If the applicant believes that the decision that s/he does not meet the prescribed criteria is wrong then s/he may seek a review of the application and the decision.
- 6.2 If the applicant is unhappy with the way the application has been dealt with by the City Council's officers then s/he may complain about this. Such a complaint will be dealt with in accordance with the Council's published Complaints Policy.
- 6.3 If a negative decision is made by Sheffield City Council on the basis of the desk based assessment alone, an applicant can request a review of the decision within 21 days of the date of the letter notifying the applicant of the decision. If a request is received outside of 21 days, discretion will be exercised as to whether to agree to process the review. Applicants who have been refused a badge on the basis of the desk based assessment alone and who subsequently appeal will be referred to an expert assessor for further assessment.
- 6.4 If an applicant receives a negative decision following an 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 (see Appendix 3 for declaration form). Sheffield City Council will not accept evidence from the person's GP (in line with the national approach of not accepting GP assessments). Sheffield City Council 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 Sheffield City Council's 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 Sheffield City Council will tell the customer why we need longer and propose a timetable for completing the investigation into the complaint.
- 6.8 Complaints may be able to be managed and responded to in full by Customer Services but some will also require input from other parties and / or the Communities Portfolio. 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.

Type of Complaint	Respondent(s)
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Problems caused by something we have done or not done (that has influenced the decision)	Customer Services Other stakeholders
Dissatisfaction with the way customer has been treated – e.g. attitude of SCC employee or Physiotherapist	Customer Services Other stakeholders
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)

## 7.0 ENFORCEMENT

- 7.1 Sheffield City Council is 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 holder's permission)
  - Use of a badge that has been lost, stolen or copied
- 7.4 Our Civil Enforcement Officers (CEOs) may issue Penalty Charge Notices (PCNs) 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 CEOs will issue PCNs 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 PCNs 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](http://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-
- under section 21(4B) of the Chronically Sick and Disabled Persons Act 1970;
  - under section 115 or 117 of the Road Traffic Regulation Act 1984;
  - 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 choose to confiscate the badge. Confiscated Blue Badges are then returned to the Blue Badge team, who will liaise with the holder.
- 7.9 On first instance of a conviction for blue badge fraud, a letter will be sent to the blue badge holder reminding them of the conditions of use and advising them of the potential consequences of continued misuse.
- 7.10 In the event of a subsequent convictions for Blue Badge misuse the badge may be withdrawn - the badge holder will be notified and have the opportunity to challenge any decision to withdraw the badge.

## **8 WHAT SHEFFIELD CITY COUNCIL WILL DO**

- 8.1 Sheffield City Council wants 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.
- 8.2 The DfT have produced a guidance leaflet ‘The Blue Badge scheme; rights and responsibilities in England which provides further guidance on this subject. Sheffield City Council can also be contacted to provide further information to blue badge holders
- 8.3 Blue badges will be issued via post to the applicant’s address
- 8.4 All blue badges will be valid for 3 years with the exception of cases where: the Higher Rate Mobility Component of DLA 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.
- 8.5 When a blue badge expires, the applicant will be expected to return the Blue Badge to Sheffield City Council prior to the issue of a further or replacement badge.

- 8.6 If an application is refused then the applicant will be informed of the reasons why the refusal decision was made.
- 8.7 Applicants will be made aware of the appeals and or complaints processes if they are dissatisfied with the decision or the assessment process.
- 8.8 Sheffield City Council will advise blue badge holders of their responsibilities under the scheme and the potential consequences of misusing their badge.
- 8.9 Sheffield City Council 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.
- 8.10 This policy will be re-assessed in line with relevant changes in law or Government guidance



## APPENDIX 1

### ELIGIBLE WITHOUT FURTHER ASSESSMENT

2.3 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:

(i) 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).

(ii) they are registered blind (severely sight impaired)

(iii) they receive War Pensioner's Mobility Supplement

(iv) Receives the mobility component of PIP and has obtained 10 points **specifically for Descriptor E** under the "planning and following journeys" activity, on the grounds that they are unable to undertake any journey because it would cause them overwhelming psychological distress; or

(v) Has been both awarded a lump sum benefit at tariffs 1-8 of the Armed Forces Compensation Scheme and certified as having an enduring and substantial disability which causes inability to walk or very considerable difficulty in walking.

2.4 Applicants who are eligible via criteria 2.3 (i), (iii), (iv) or (v) 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
(i) 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
(iii) War Pensioner's Mobility Supplement	Copy of award letter from the Service Personnel and Veterans Agency
(iv) Receives the mobility component of PIP and has obtained 10 points <b>specifically for Descriptor E</b> under the "planning and following journeys" activity, on the grounds that they are unable to undertake any journey because it would cause them overwhelming psychological distress	Copy of award notice letter from the Department of Work and Pensions (dated within 12 months of application) which shows the applicant has obtained 10 points <b>specifically for Descriptor E</b>
Has been both awarded a lump sum benefit at tariffs 1-8 of the Armed Forces Compensation Scheme and certified as having an enduring and substantial disability which causes inability to walk or very considerable difficulty in walking	Copy of award letter from the Armed Forces Compensation Scheme

- 2.5 Applicants who are eligible via criterion 2.3(ii) – because they are registered blind/severely sight impaired – 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.
- 2.6 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.
- 2.7 Provided that the applicant can demonstrate that they satisfy one of the criteria listed above, and can satisfy identity and residency checks, a badge will be issued.
- 2.8 The identity and proof of entitlement checks are carried out as set out by the Department for Transport in The Blue Badge Scheme Local Authority Guidance (England) June 2019.

## Appendix 2

### **ELIGIBLE SUBJECT TO FURTHER ASSESSMENT**

- 2.9 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:
- (i) 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
  - (ii) person who has been certified\* by an expert assessor as having an enduring and substantial disability which causes them, during the course of a journey, to:
    - be unable to walk;
    - experience very considerable difficulty whilst walking, which may include very considerable psychological distress; or –
    - be at risk of serious harm when walking; or pose, when walking, a risk of serious harm to any other person.
- 2.10 **SEVERE DISABILITY IN BOTH ARMS**  
When making an assessment under this criterion the applicant will need to meet all the following criteria:
- drive a adapted or un-adapted vehicle regularly and ,
  - have a severe disability in both arms and be unable, or find it very difficult, to use on-street parking equipment.
- 2.11 To qualify under this criterion the applicant must hold a driving licence and drive a car often e.g. at least once a week.
- 2.12 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.
- 2.13 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.
- 2.14 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; or a condition of comparable severity.
- 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).
- 2.15 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 / or interview by an expert assessor. An assessment could include a remote review of the person's application or a face-to-face

assessment. Following the assessment the expert assessor will then make a recommendation.

- 2.16 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.
- 2.17 In very exceptional circumstances there may be a justifiable reason why an applicant cannot attend an assessment appointment. In such cases an alternative method of obtaining evidence will be agreed with the applicant at the time of application.
- 2.18 The final decision about whether a blue badge should be issued is held by Sheffield City Council.

### **Assessing people who are unable to walk during the course of a journey**

3.1 To qualify under this criterion, an applicant must have any enduring (lasting for at least three years) and substantial disability that means they are **unable to walk during the course of a journey**. 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.

3.1.1 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.

### **3.2 Assessing people who experience very considerable difficulty whilst walking, which may include very considerable psychological distress**

3.2.1 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. With regard to "Payment under Moving Around Assistance" (8 points or above), this does not include points under planning a journey unless the applicant would obtain 10 points specifically for Descriptor E under the "planning and following journeys" activity, on the grounds that they are unable to undertake any journey because it would cause them overwhelming psychological distress

3.2.3 An applicant must have an enduring (lasting for at least three years) and substantial disability

3.2.4 Sheffield City Council, in line with DfT guidance and the definitions therein, expects that, in the context of walking disabilities that are predominantly physical in nature, very considerable difficulty whilst walking is likely to manifest through one or more of the following:

- The level of pain experienced by an individual when they are walking, or as a consequence of walking;
- The degree of breathlessness they incur when, or as a result of, walking;

- The distance over which an individual is able to walk;
- The speed at which an individual is able to walk;
- The length of time that an individual is able to walk for;
- The manner in which the applicant walks;
- An applicant's use of walking aids;
- The applicant's outdoor walking ability;
- Whether the effort of walking presents a danger to the applicant's life, or would be likely to lead to a serious deterioration in their health.

3.2.4 An applicant might also meet this criterion if they experience very considerable psychological distress whilst walking as part of a journey.

### 3.3 **Assessing people at risk of serious harm, when walking, or pose, when walking, a risk of serious harm to any other person**

3.3.1 To qualify under this criterion, an applicant must have any enduring (lasting for at least three years) and substantial disability that means they are, during the course of a journey, at risk of serious harm, when walking, or pose, when walking, a risk of serious harm to any other person.

3.3.2 Sheffield City Council, in line with DfT guidance expects that, in the context of disabilities that are predominantly 'non-physical' in nature, a risk of serious harm to self/others could manifest as one or more of the following behaviours:

- Becoming physically aggressive towards others, possibly without intent or awareness of the impact their actions may have;
- Refusing to walk altogether, dropping to the floor or becoming a dead-weight;
- Wandering off or running away, possibly without awareness of surroundings or their associated risks (e.g. nearby roads, car park environments);
- Disobeying, ignoring and/or being unaware of clear instructions;
- Experiencing very severe or overwhelming anxiety (e.g. through hypervigilance);
- Experiencing an overwhelming sense of fear of public/open/busy spaces;
- Experiencing serious harm or causing harm to others;
- Avoiding some/all types of journeys due to the kinds of experiences listed above.

3.3.3 This list is not exhaustive and the Council will establish whether the risk of serious harm to self/others when walking, during the course of a journey, is caused by **an enduring and substantial disability**. In this context it is recognised that some of the listed behaviours, as well as others, may be exhibited ordinarily by children who do not have any enduring or substantial disability. It is therefore important for to consider the extent of any such behaviours and/or difficulties experienced by an applicant in relation to common developmental milestones.

3.3.4 The Council will also need to be satisfied that such difficulties cannot otherwise be managed through reasonable coping strategies. For example, where an applicant would only ever be accompanied by another person, and that negates 'very considerable' difficulty, a badge would not help the applicant.

3.3.5 In considering coping strategies, the Council will consider whether existing strategies are being adopted and are effective (i.e. they may work, but they may require significant time to be invested on the part of the applicant), and whether a Blue Badge would be an effective 'coping strategy' in its own right. Importantly, journey avoidance should not be considered an appropriate coping strategy.

### **3.4 Children under the age of three**

3.4.1 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)

3.4.2 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.

3.4.3 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.

3.4.4 The Department for Transport guidance suggests relevant equipment and conditions that should be considered, however our discretion is to be applied in considering the evidence from a paediatrician.

## Appendix 3

### **4.0 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 and transport disabled people who would themselves meet one of more of the eligibility criteria for an individual blue badge and establish that they have a need for an organisational blue badge rather than using an individual's blue badge.
- 4.3 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.
- 4.4 In line with best practice suggested by the Department for Transport, the organisation should generally support at least 12 qualifying disabled people, advise the type of vehicles being used to carry disabled people and either it is adapted and how the badge is likely to be used and for what purpose.

## **ATTENDANCE ALLOWANCE**

- 4.5 Since 2003 applications from applicants with Higher Rate Attendance Allowance have been treated as an automatic application.
- 4.6 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.