

The Spinal Injuries Association's (SIA) response to the Department for Transport's review of the Blue Badge scheme

About SIA

The Spinal Injuries Association (SIA) warmly welcomes the opportunity to respond to the Department for Transport's review of the Blue Badge scheme.

SIA represents the 40,000 Spinal Cord Injured (SCI) people throughout England, Wales and Northern Ireland. SCI manifests itself as paraplegia (full or partial paralysis of the lower limbs) or tetraplegia (full or partial paralysis of all four limbs). Consequently, SCI people will have very high mobility needs, nearly always reliant on wheelchairs or other mobility equipment to remain mobile.

The focus of SIA's response is to help achieve a Blue Badge scheme that will best meet the needs of all SCI people.

No.	Question
Chapter 2	
Q1	<p>What would be the advantages and disadvantages of a new power to cancel Badges that are reported as lost or stolen, or have expired, or are withdrawn for misuse?</p> <p>SIA would advocate the strict withdrawal of Badges which are lost, stolen or expired. It is SIA's view that Blue Badges are issued to too many people, which in turn often leads to a scarcity in available wide disabled bays which are essential for our members. Lost or stolen Badges which are subsequently used by a third party exacerbate this problem. The advantages of canceling such badges would be to ensure that less badges were in circulation and, consequently, more spaces were available for those who rely on them to park.</p> <p>However, the disadvantages of such an approach in the case of misused Badges may be the loss of an individual's ability to park. For the majority of our members a parking bay with a hatched area or space either side of it is essential to ensure that wheelchairs and other mobility equipment can be set up and transferred into. Regular parking spaces are not large enough to accommodate such needs and are therefore not an alternative option for someone with these requirements. By removing a Blue Badge from someone who misuses it, the government will essentially be removing their ability to park and the independence that their vehicle affords them.</p>

<p>Q2</p>	<p>What would be the advantages and disadvantages of giving local authorities a new power to confiscate Badges (a) that have been cancelled and (b) that are being used by a third party for their own benefit?</p> <p>As with the answer to Question 1, it is SIA's view that Blue Badges are issued to too many people, often leading to a scarcity in wide disabled bays which are essential for our members. Cancelled Badges or those being used by a third party exacerbate this problem.</p> <p>The advantages of confiscating cancelled badges would be to ensure that less badges were in circulation and, consequently, more spaces were available for those who rely on them to park.</p> <p>However, a disadvantage may be that if a badge is confiscated when used by a third party, the legitimate user of the badge will be left unable to park. This would be unacceptable if the badge had been used without the owner's permission.</p>
<p>Q3</p>	<p>What would be the most appropriate circumstances in which such a power could be used?</p> <p>It would not be appropriate to remove a badge being used by a third party that is also being regularly used by a person in genuine need, for the reasons given previously in this consultation. In all other cases a Badge not being used for the benefit of a disabled person should be confiscated immediately.</p>
<p>Q4</p>	<p>What safeguards should be built into any new power?</p> <p>As a third party may use a Badge without the knowledge of a legitimate user, one safeguard may be that a local authority could then send the owner of a confiscated badge a letter offering them the opportunity to collect it in person. This could work in tandem with the current 'three conviction' system.</p> <p>In this way confiscated badges can be returned to legitimate users or removed from circulation if they are fake or stolen, and would also go some way to removing those which have been sold by their original owners.</p> <p>To combat misuse in the first place, the penalties for Badge misuse must be made abundantly clear on application so that a user is aware of the risks they take when allowing their badge to be abused.</p>

Q5	<p>What would be the most effective ways of removing invalid Badges from circulation?</p> <p>The most effective way to remove a badge from circulation is to hold the owner of the vehicle using the badge culpable for its use. By issuing an enforcement notice in a similar method to that used for parking offences, a local authority should demand the return of an invalid badge accompanied by a fine which rises incrementally the longer it takes for the vehicle owner to cooperate.</p> <p>Whilst it may seem desirable to give parking enforcement officers the power to confiscate badges at the time, they are not medical professionals and cannot necessarily assess whether a user is disabled or not. By issuing a parking enforcement notice, any dispute can be resolved subsequently by the user's proof of legitimacy.</p>
Q6	<p>Do you think that local authorities should be able to tow vehicles that (a) display cancelled or invalid Badges or (b) a third party is misusing a Badge for their own benefit?</p> <p>There can be no 100% certain method of ascertaining whether a disabled person is using their vehicle at the time of the parking infringement. In both cases, SIA believes that vehicles displaying a badge in this way should not be towed, but instead that a parking enforcement notice confiscating the badge be issued, as per the suggestions in Question 5.</p>
Q7	<p>What would be the advantages and disadvantages of removing the current three relevant convictions requirement from the legislation?</p> <p>Whilst persistent abusers should be punished, they should be just that – persistent. Three convictions allows for a Badge user to make an honest, but misinformed mistake and continue to use their badge to park.</p> <p>Under a ruling where there was no such requirement on a local authority, a Badge user unfamiliar with the rules could have it confiscated and find themselves unable to park. As has already been mentioned several times in this response, SIA's members are wholly reliant on wider disabled bays or the power to park on yellow lines – conventional spaces are not an alternative. If a badge was confiscated after one conviction it would prevent the user from being able to park, and therefore drive, and would essentially render them immobile. This would not be acceptable after one infringement.</p>

	<p>Whilst the proposal states that “evidence of repeat offending would need to be demonstrated”, SIA is unsure how less than three convictions could be defined as “repeat offending”.</p>
Q8	<p>Should there be any additional grounds for refusing to issue a Badge? If so, what would you suggest and why?</p> <p>SIA believes that the qualification criteria for applying for a Blue Badge must be brought in line with receipt of the higher rate of the mobility component of Disability Living Allowance. The current criteria allow for an excess amount of Blue Badges to be issued, limited the options for our members to park in the wide disabled bays they require to embark and alight from their vehicles.</p>
Q9	<p>Should there be any additional grounds for withdrawing a Badge? If so, what would you suggest and why?</p> <p>The status quo seems to adequately cover the grounds for withdrawing a badge. However, it is unclear how a local authority would define a “reasonable belief” that the badge will be used by a third party. Full protection and benefit of the doubt must be given to a legitimate disabled person applying for a badge.</p>
Chapter 3	
Q10	<p>What would be an appropriate appeal route to deal with disputes over whether Badges should be withdrawn and unsuccessful applications?</p> <p>A formalised route of appeal would be welcomed for those who have their badges withdrawn through misuse. As mentioned previously in SIA’s response, personal transport – and therefore parking – are essential to an SCI person’s independence and users who stand to lose these parking privileges should be offered every opportunity to contest this.</p> <p>As Blue Badge users with the highest needs, it is unlikely that someone with an SCI – even those with incomplete injuries who are able to walk – would be found ineligible for a Blue Badge under the current assessment criteria. However, we see the merit in a similar appeals route for unsuccessful applications.</p>
Q11	<p>What are your views on the suggestion that there should be more prescription from central government on eligibility assessment? What suggestions do you have on how this should be implemented?</p>

	<p>The Blue Badge Scheme must be considered as a national scheme with eligibility based upon standard criteria. Administration of this Scheme could be most effectively undertaken by a central issuing body, working within agreed policies and procedures. This would help ensure consistency, uniformity and equity. The creation of either a new national public sector or voluntary body, or usage of an existing agency, such as the Driver Vehicle and Licensing Authority, linked to the Department for Transport, or the Benefits Agency linked to the Department for Work and Pensions, might provide an appropriate model.</p>
Q12	<p>What do you think would be the advantages and disadvantages, and potential costs and benefits, of the Secretary of State taking a new power to require local authorities to use any data-sharing system?</p>
Q13	<p>What suggestions do you have as to how we could allow certain non-residents to apply for a Blue Badge?</p> <p>There is no reason why a British national - such as those working, or related to someone, in the armed forces - who meets eligibility criteria should not be issued with a badge. Such nationals are likely to regularly visit family in friends in the UK and should be able to park in the same way as UK or other EU citizens.</p> <p>However, by suggesting the name of a relative who lives in the UK for registration purposes, the DfT must be wary of releasing yet more Blue Badges into an already over subscribed system.</p> <p>It is unclear, beyond the armed forces, to which non-residents the DfT is referring, but those in military or government positions presumably have access to British doctors and could be assessed by them when in the UK.</p>
Q14	<p>What are your views on organisational Badges? What are your suggestions for how abuse might be prevented?</p> <p>Despite reported abuses, organisational badges must continue to exist to ensure that those on whom disabled people rely for transport are able to provide it. However, such an organisation should also be governed by the three convictions and confiscation system proposed earlier in this response.</p>

Q15	<p>Do you agree with the way in which we propose to extend eligibility to children between the age of 2 and 3 with specific medical conditions? Please provide information to support your decision.</p> <p>This situation would appear to be a loophole that should be filled as the DfT proposes. At three years old the child can then be assessed in the same way as other claimants for DLA.</p>
Q16	<p>Do you have any comments on these proposed transitional arrangements? Please provide information to support your decision.</p> <p>As the situation is unlikely to refer to SCI people, SIA will defer this question to organisations representing those disabled people whom it will most affect.</p>
Q17	<p>What are your views on this option? Please provide advantages and disadvantages with this approach.</p> <p>It is absolutely right that any member of the armed forces who finds themselves in need of a Blue Badge should have the same opportunities as anyone else. However, when discussing automatic qualification for those in receipt of AFCS, the DfT must ensure that the eligibility criteria is brought in line with that of civilians as far as possible.</p> <p>Alternatively, a member of the armed forces should apply for a badge in the same way as anyone else. It is SIA's view that the eligibility criteria already adequately covers anyone with a legitimate need for a Blue Badge.</p>
Q18	<p>Do you think that funding should be distributed via RSG or via ABG? Why do you have that preference?</p> <p>As a user organisation unfamiliar with funding methodology for local authorities, SIA will defer this answer to those who can better comment. However, whichever method is chosen, funding must be sufficient to ensure that disabled people do not receive a worse service.</p>
Q19	<p>If DfT decides to allocate funds via ABG, do you agree that distribution of the funding based on the number of people aged over 65 and the number of people in receipt of HRMCDLA (according to the weighting above) would be appropriate?</p> <p>If the DfT chooses to allocate funds in this method, there must be</p>

	<p>some sort of arbitrary formula for establishing the number of potential badge holders in a given area. If the DfT were instead to use annual figures of badges issued in a district, this may lead to badges being issued more freely to increase the financial award to a local authority from central government. Such an increase in issued badges is not acceptable.</p> <p>Where numbers will be hard to project, the method proposed by the department seems appropriate.</p>
Q20	<p>If not, what are the reasons that distribution based on these variables would be inappropriate, and what distribution would you deem to be preferable?</p> <p>N/A</p>
Q21	<p>What are your views on giving greater weighting to authorities with high population sparsity? Can you provide any research or evidence of different unit costs to support your views?</p> <p>SIA has not conducted any research in this field.</p>
Q22	<p>If you think that higher weighting should be given to authorities with high population sparsity, do you agree that a weighting based on population sparsity as used in the CLG relative needs formula would be appropriate?</p> <p>Unaware of the way in which central and local government measures sparsity, SIA defers this question to local authorities and other organisations who can better comment.</p>
Q23	<p>Do you have a view on whether there should be any payment “floors” or “ceilings”?</p> <p>The proposed formula for establishing the amount of money to be awarded to a local authority can only ever be approximate and will never be definitive. As such the DfT must ensure that any floors or ceilings adequately fund any costs incurred. Given the importance of the scheme to disabled people, a local authority must be able to cover their costs in their entirety to ensure that the scheme is administered effectively.</p>
Q24	<p>If so, is this view based on any cost-based research or evidence that would help in determining appropriate levels?</p> <p>SIA has not conducted any research in this field.</p>



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