

Kent County Council Blue Badge Service

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.

In 2012 the government introduced reforms to the Disabled Parking Badge scheme and introduced the Blue Badge Improvement Service (BBIS) as part of efforts to improve efficiency and stamp out fraudulent use of badges, which in 2011 it estimated was costing the UK an around £46 million per year.

This service is one of a number of reforms, including amendments to legislation to require the wider use of independent mobility assessments to determine eligibility for badges from April 2012 in England and Scotland. This brought an end to GP assessments. The DfT's view is that eligibility decisions are fairer and more objective if mobility assessments are undertaken by professionals who have been specifically trained in mobility and who are independent of the applicant. It is therefore important that local authorities use assessors who have been appropriately trained in mobility assessments, who hold appropriate professional qualifications and who are not open to bias because of a personal or commercial connection to the applicant.

Kent County Council are responsible for the day-to-day administration and enforcement of the scheme. They are responsible for determining and implementing administrative, assessment and enforcement procedures which they believe are in accordance with the governing legislation.

The two types of eligibility criteria

An individual's eligibility for a Blue Badge is considered in terms of being 'eligible without further assessment' (previously known as 'automatic') or 'eligible subject to further assessment' (previously known as 'discretionary').

In no circumstances should a badge be issued to an applicant who does not meet one of the eligibility criteria set out in the legislation which governs the scheme. Badges should never be issued to people solely on the basis of their age.

Type 1: 'Eligible without further assessment'

People who may be issued with a badge without further assessment are those who are more than two years old and fall within one or more of the following descriptions:

- Receives the Higher Rate of the Mobility Component of the Disability Living Allowance (HRMCDLA); or
- Receives 8 points or more under the "moving around" activity of the mobility component of Personal Independence Payment (PIP); or
- Is registered blind (severely sight impaired); or
- Receives a War Pensioner's Mobility Supplement (WPMS); or

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

Type 2: 'Eligible subject to further assessment'

People who may be issued with a badge after further assessment are those who are more than two years old and fall within one or more of the following descriptions:

- Drives a vehicle regularly, has a severe disability in both arms and is unable to operate, or has considerable difficulty in operating, all or some types of parking meter; or
- Has a permanent and substantial disability that causes inability to walk or very considerable difficulty in walking.

In addition, children under the age of three may be eligible for a badge if they fall within either or both of the following descriptions:

- A child who, on account of a condition, must always be accompanied by bulky medical equipment which cannot be carried around with the child without great difficulty;
- A child who, on account of a condition, must always be kept near a motor vehicle so that, if necessary, treatment for that condition can be given in the vehicle or the child can be taken quickly in the vehicle to a place where such treatment can be given.

The Kent County Council Screening and Assessment Process

Kent County Council employs 2.4 whole time equivalent Independent Mobility Assessors who are either Occupational Therapists or Physiotherapists with a minimum of 2 years of experience.

KCC firstly utilises an objective screening process carried out by trained administration staff. This is used to determine whether an applicant is 'self-evidently' eligible and to award a badge. This can reduce the number of applicants who need to undergo an independent mobility assessment.

For applications where eligibility cannot be determined, Independent Mobility Assessors (IMAs) continue by using a proportionate approach to assessment. They triage the application through a three part assessment process of desktop, telephone and clinic assessments. This allows them to use their professional knowledge and clinical reasoning to reach a decision regarding eligibility for a Blue Badge. Approximately 8% of applications are refused, in which case the applicant may request a review of the decision, and if refused again may not reapply for a period of six months.

Between April 2014 and March 2015 Independent Mobility Assessors carried out 10,532 assessments comprising 82% desktop assessments, 15% telephone assessments and 3% clinic assessments.

When recording a decision about the long term eligibility of the applicant in the Independent Mobility Assessor is able to use clinical reasoning to identify that the applicant will or will not require a full assessment in 3 years. This would be dependent on the anticipated progression of their condition, and subsequent effect on their mobility.

Wendy Cooper-Wolfe
Independent Living Support Services Officer
Kent County Council

Social Care, Health and Wellbeing
Independent Living Support Service
Tackling Fraud and Misuse within the Blue
Badge Scheme
Guidance to Parking Enforcement Teams

Issue Date:	20/07/15 - Final
Review Date:	12 months from publication
Owner:	Mark Hogan Independent Living Support Services Manager Brenchley House Maidstone Kent ME14 1RF 03000 416899

Kent County Council Procedural Guidance Notes: Misuse of Blue Badges

Background

- 1) The purpose of this document is to provide initial guidance in regards to available/relevant procedures relating to the misuse use of the Blue Badge scheme in Kent. This document contains guidance for multiple circumstances where there is evidence that the misuse of a Blue Badge has, or is suspected, to have occurred.
- 2) Currently, district authorities conduct daily enforcement of all parking contraventions, this is covered under an 'Agency Agreement' between Kent County Council (KCC) and individual district/borough authorities. District authorities either employ parking enforcement officers directly or outsource the parking enforcement services to external stakeholders. When Blue Badge misuse is detected, the councils or their service providers issue a Penalty Charge Notice (PCN).
- 3) KCC act as the approval and issuing authority for Blue Badges. At present there are more than 75,000 Blue Badges issued throughout Kent and the scheme is administered through the Blue Badge Information System (BBIS). This system has been implemented by the Department for Transport. Fundamental consequences of misuse of the Blue Badge scheme include:
 - Loss of revenue from parking
 - Reduction in the availability of parking concessions for genuine badge holders
 - Loss of confidence in Blue Badge scheme by the general public
 - Reputational damage to KCC as the administering organisation for Kent

Types of Blue Badge Misuse and Fraud

Relevant Legislation and guidance

- Road Traffic Regulations Act, 1970, 1984
 - Chronically Sick and Disabled Persons Act 1970
 - Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000
 - Disabled Persons' Parking Badges Act 2013 (The 2013 Act)
 - Forgery and Counterfeiting Act 1981
 - Fraud Act 2006
 - Theft Act 1968
 - Multi-Agency Safeguarding Vulnerable Adults, Adult Protection Policy Protocols and Guidance for Kent and Medway
- 4) Section 115 & 117 of The Road Traffic Regulations Act 1984 and Section 21 (4B) of the 1970 Act make wrongful use of a Blue Badge an offence. The 2013 Act amends to the 1970 Act so that wrongful use of a badge also includes (but is not limited to) when a person displays a badge that should have been returned or has been cancelled. The offences within these acts cover:

- Uses, or lends to, or allows to be used by any other person another person's Blue Badge
 - Knowingly makes a false statement for the purpose of procuring a Blue Badge
- 5) The 2013 Act also allows:
- The inspection and seizure of badges by local authorities;
 - The cancellation of badges by local authorities in certain circumstances;
- 6) Under the Fraud Act 2006, an act of fraud constitutes one of three offences, these being; False Information, failure to disclose, or abuse of position. Application for Blue Badge using false information i.e. information regarding disability would constitute a criminal offence under the Fraud Act, section 6 of the Fraud Act makes it a criminal offence if anyone has in their possession or control any article for the use in the course of or in connection with any fraud.
- 7) The amending of a blue badge or the creation of a fictitious badge would constitute an offence under the Forgery and Counterfeit Act 1981, if it were used to obtain an advantage, i.e. an exception to the payment of a parking charge.
- 8) The scenarios in which an offence may occur are (from minor to more serious transgressions) and would result in the exemption to the parking contravention provided by the displaying of a blue badge being invalid:
- Parking in the wrong place or parking for too long where there is a time limit (not a criminal offence but would result in the issuing of a Penalty Charge Notice)
 - Letting a friend or relative use the badge
 - Using a badge of a friend or relative
 - Use of a badge that is no longer valid
 - Use of a badge that has been reported as 'lost or 'stolen'
 - Use of a copied badge or creating a completely fake badge
 - Altering the details on the badge, for example, the expiry date
 - Making a fraudulent application (e.g. providing false information on the application form) or using a badge obtained fraudulently

Uncovering Blue Badge Misuse and Fraud

The application process

- 9) To ensure that Blue Badges are only issued to people who meet the eligible criteria a formal application process is in place. This requires applicants to provide KCC details of their disability for an assessment to be made. Where an applicant is in receipt of certain DWP disability benefits or other qualifying criteria, this will entitle them to a Blue Badge without further checks, this is known as a 'passported' entitlement.
- 10) If the applicant is not entitled to a 'passported' Blue Badge then a proportionate desktop and/or telephone assessment is conducted based on the medical & mobility evidence supplied. This

will be completed by an Independent Mobility Assessment by a qualified Occupational Therapist/ Physiotherapist, Where necessary an appointment can be made to attend a clinic in order for a face to face assessment to be completed.

- 11) In all applications there is a requirement for the applicant to provide proof of residency and identification. If there is any doubt, including the validity of the documents presented to prove their medical condition, residency or identification further checks can be conducted by:
- Obtaining further information from the applicant in order to satisfy the requirements
 - Make enquiries with relevant bodies, such as local authorities, DWP or medical practitioners
 - Make a referral to KCC Counter Fraud Team if there is a suspicion that the application is false.

General enforcement activity

- 12) The general enforcement of parking contraventions are delegated to but not limited to district and borough councils. Civil Enforcement Officers (CEOs) are authorised officers as required by the 2013 Act. Kent County Council has authorised officers through the scheme of delegated powers. The following guidance is for CEOs to follow where they have been adopted by their local authority. Local procedure may be developed further depending on the local authorities commitment to enforcement of the Blue Badge scheme.
- 13) The CEO of the local authority is empowered to issue a Penalty Charge Notice (PCN). When they have a reasonable suspicion that a Blue Badge is being misused they have the authority to inspect, and if agreed locally, remove a badge to be returned to the issuing authority.

Validating Blue Badge:

- 14) Check the Blue Badge on display: Is the Blue Badge an old or new format? The new format for Blue Badges has been in use since the 1 Jan 2012. There are no longer any old style valid Blue Badges in circulation, examples of the new Blue Badges are shown at appendix A. CEOs and authorised officers have the authority to inspect a badge. A person who without reasonable excuse fails to produce a badge when required to do so may be prosecuted under the 2013 Act and if found guilty would be liable of a fine not exceeding £1000. Instances where inspection of a Blue Badge could be warranted could but is not inclusive too:
- The badge appears to have been tampered with or is fake, such as extending the expiry date or a photocopy.
 - The person displaying the badge does not appear to be the badge holder (details of the information held on a Blue Badge will provide some indication of the badge holders month and year of birth and sex of the badge holder).
 - Following a check on BBIS the badge has expired, been reported lost, stolen or the person has passed away.
- 15) If the badge is the new format CEOs and authorised officers will be able to confirm the users details and the validity of the badge through the BBIS enforcement module. Some authorities have been provided with access to the BBIS enforcement module. The information available from BBIS will include the name of the holder, the issue and expiry and a photo of the card

holder. If your authority has not been provided access to the BBIS enforcement module then these details (except the photo) can be obtained from the Blue Badge team at Kent County Council by calling **03000 416262**.

Investigating Misuse and Fraud

- 16) The investigation of persistent misuse as stated in paragraph 8 is the responsibility of KCC, or if the badge has been issued by Medway Unitary Authority it is the responsibility of Medway Council. This originally covered within Section 21 of the Chronically Sick and Disabled Persons Act 1970 (replaced / displaced by The Care Act 2014) that makes the administration of the scheme the responsibility of the Local Authority. Section 151 of the Local Government Act 1972 requires every Local Authority to make arrangements for the proper administration of their financial affairs.
- 17) There is no obligation for district or borough councils to confiscate Blue Badges that are being misused. However, where a Blue Badge is being misused by someone other than the badge holder, or the badge has been altered or damaged, it is advisable to remove the badge to ensure that further misuse does not occur. Any badges that are confiscated must be returned to the issuing authority with a short incident report explaining why the badge was removed. The issuing authority will review the incident and will either return the Blue Badge to the rightful person (assuming the badge remains valid) or cancel and destroy the badge informing the badge holder when appropriate and offering them the opportunity to reapply for a new Blue Badge. Local authorities will need to decide whether they wish their CEOs or authorised officers to confiscate Blue Badges and advise them accordingly.
- 18) If a CEO suspects that the Blue Badge displayed in a vehicle falls within the misuse types described at paragraph 8, then a PCN may be issued in accordance with the locally agreed procedures. As part of the issuing process of a PCN evidence is gathered that will assist KCC in investigating the misuse further. This evidence should be forwarded to the issuing authorities (KCC or Medway) Counter Fraud Team as detailed in the contact list in appendix B and should include where possible:
 - Name and contact details of the CEO who issued the PCN.
 - A copy of the notes taken by the CEO at the time they issued the PCN, including any statements the vehicle driver made, description of the driver and any passengers where appropriate.
 - Photographs taken of the vehicle and the badge that is displayed.
 - If recovered, the Blue Badge being misused.
- 19) If a local authority receives any information from the public in respect of fraud or misuse of a Blue Badge, details should be provided to the issuing authorities counter fraud team.
- 20) Kent County Council is committed to ensuring the Blue Badge scheme is working for people with a genuine need to a Blue Badge. We will consider the facts and circumstances of each alleged incident of misuse reported to us and decide what (if any) action should be taken. This includes

- Issuing a warning letter that seeks to remind people of the condition of use and the consequences of misusing their Blue Badge.
- Issuing a simple caution (previously referred to as a formal caution) where we believe a criminal offence has been committed but the offender has admitted the offence and it is not in the public's interest to progress a criminal case.
- Criminal prosecution of people who deliberately abuse the scheme by, for example, using a deceased person Blue Badge.
- Removing entitlement to a Blue Badge following persistent misuse.

21) When deciding what action to take, Kent County Council will consider the public interest and evidential tests within The Code for Crown Prosecutors in accordance with the Anti-Fraud and Corruption Strategy.