

Blue Badge Scheme in Wales: Eligibility and Implementation

July 2019



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Blue Badge Scheme in Wales: Eligibility and Implementation

July 2019



About the Committee

The Committee was established on 28 June 2016. Its remit can be found at:
www.assembly.wales/SeneddCommunities

Committee Chair:



John Griffiths AM
Welsh Labour
Newport East

Current Committee membership:



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Welsh Labour
Merthyr Tydfil and Rhymer



Huw Irranca-Davies AM
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Caroline Jones AM
Brexit Party
South Wales West



Leanne Wood AM
Plaid Cymru
Rhondda

The following Members were also members of the Committee during this inquiry.



Mohammad Asghar AM
Welsh Conservatives
South Wales East



Gareth Bennett AM
UKIP
South Wales Central



Carwyn Jones AM
Welsh Labour
Bridgend



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Chair's foreword

Blue badges provide a lifeline for a range of people in our society. Without them many would struggle to access essential services such as attending medical appointments. Difficulty in visiting shops and using leisure facilities would diminish their ability to lead independent lives and they could become more isolated and confined to their own homes. The system must be fit for purpose given its importance to our communities.

Differing arrangements across the 22 councils have led to inconsistencies in implementation across Wales. Addressing this should be a priority for Welsh Government and local authorities so that everyone may receive a quality service, regardless of where they live. We have made practical suggestions to encourage, and achieve, consistency.

People may apply for a blue badge based on various medical conditions and disabilities, and it is vital that we recognise that it is not only wheelchair users who need these vital lifelines. While I welcome the extension of the eligibility criteria, to include those with cognitive impairments or a temporary condition, it is concerning to hear of badge holders facing harassment or abuse because they do not match the stereotype that only those confined to wheelchairs qualify.

I would like to thank all those who have helped us to gather evidence for this inquiry. In particular, participants with lived experience who attended our focus group meetings. They attracted higher numbers than any of our previous areas of work, which demonstrates the importance of blue badges and their impact.

I hope the recommendations we have made in our report will be taken forward by the Welsh Government and will lead to improvements to the lives of people across Wales.

John Griffiths AM
Chair

Recommendations

Recommendation 1. We recommend that the Welsh Government undertakes a review of the eligibility criteria for a blue badge. The review should consider whether there are further conditions which should automatically qualify a person to receive a blue badge, whether the process for undertaking further assessment is robust enough to respond to the various needs of those who apply, and whether the needs of those who receive a cancer diagnosis are adequately met.

..... Page 21

Recommendation 2. We recommend that the Welsh Government updates its guidance to local authorities to ensure that the current arrangement of expediting applications by those with a terminal diagnosis becomes mandatory.

..... Page 21

Recommendation 3. We recommend that the Welsh Government updates its guidance to local authorities to ensure that the role of carers in applying for a blue badge on behalf of the person for whom they care is made clear. Page 22

Recommendation 4. We recommend that the Welsh Government explores options for introducing a concessionary parking scheme, separate to the Blue Badge scheme, to meet the needs of those who require swift access to amenities, such as carers, those with incontinence problems and those suffering a temporary impairment expected to last less than 12 months, without impacting on the availability of parking spaces for those with mobility problems. Page 22

Recommendation 5. We recommend that the Welsh Government updates its guidance to local authorities to ensure there is clarity that eligible organisations can apply for a blue badge in their own right. The guidance should specify that when an organisation meets the criteria of caring for and transporting people who are eligible, that organisation should be allowed a blue badge of its own, rather than relying on the badges of individuals. Page 23

Recommendation 6. We recommend that the Welsh Government updates its guidance to specify that consistent and appropriate consideration should be given to information provided by appropriate professionals in support of an applicant's claim for a blue badge. Page 27

Recommendation 7. We recommend that the Welsh Government updates its guidance to local authorities to clearly specify that all staff who undertake blue badge assessments are trained to understand, and apply, the social model of disability. Page 29

Recommendation 8. We endorse recommendation 8 made by the Economy, Infrastructure and Skills Committee in its report on the future development of transport for Wales, that the Welsh Government moves swiftly to engage with stakeholders in developing the next White Paper on the legislation required to establish Joint Transport Authorities. The Welsh Government should set out how it envisages a role for those with lived experience of the blue badge system in the establishment of Joint Transport Authorities, particularly as their current focus appears to be related to public transport. Page 30

Recommendation 9. We recommend that the Welsh Government takes the necessary action so that Section 21 of the Chronically Sick and Disabled Persons Act 1970 is amended to require local authorities to put in place a “reconsideration” or “review” process to deal with applicants who wish to challenge the authority’s decision on a blue badge application. The amendment to that Act should include a power for the Welsh Ministers to make regulations and issue statutory guidance on the detail of the process..... Page 34

Recommendation 10. We recommend that the Welsh Government takes the necessary action so that Section 21 of the Chronically Sick and Disabled Persons Act 1970 is amended to require the Welsh Ministers to establish a national formal appeals process to deal with those who are dissatisfied with the outcome of their initial appeal. The amendment to that Act should include a power to make regulations on the detail of the process, including which body should be responsible for dealing with the appeals..... Page 35

Recommendation 11. We recommend that the Welsh Government considers the most effective way of amending the Chronically Sick and Disabled Persons Act 1970 to enable the issuing of statutory guidance in relation to the Blue Badge scheme, and take the necessary action to implement such a change. This should include considering whether the scope of the Public Transport Bill, which the Welsh Government is expected to introduce, can be expanded to include the necessary change and the changes we have proposed in recommendations 9 and 10, or whether a separate Bill should be introduced to achieve this..... Page 42

Recommendation 12. The Welsh Government should work with the Welsh Local Government Association to establish a statutory working group of local authority representatives for the Blue Badge scheme. Once established, the group should meet regularly to share knowledge and good practice in implementation. The group should include representatives with lived experience of the scheme to ensure that the views of those directly affected are represented..... Page 42

Recommendation 13. We recommend that the Welsh Government works with the Welsh Local Government Association to develop a process to enable those suffering with a life-long or deteriorating condition to renew their blue badge automatically, without further assessment. The working group we have recommended be established would be an obvious forum to facilitate such discussions..... Page 45

Recommendation 14. We recommend that the Welsh Government should establish a mechanism for collecting official data on the misuse of blue badges which is specific to Wales in order to better understand the scale of the problem in Wales.....Page 48

Recommendation 15. We recommend that the Minister provides an update to the Assembly by July 2020 on how blue badge misuse has been improved as a consequence of all local authorities having civil enforcement officers in place. Page 51

Recommendation 16. We recommend that the Welsh Government works with the UK Government to explore options for expanding the range of penalties imposed on those proven guilty of misusing the blue badge system, up to and including the possibility of issuing penalty points..... Page 51

Recommendation 17. We recommend that the Welsh Government works with local authorities and health bodies to proactively promote the “Who is Eligible for a Blue Badge?” booklet by ensuring that hard copies are available at places people go to get information, such as libraries, local authority “hub” centres, Citizen’s Advice and health settings..... Page 53

Recommendation 18. We recommend that the Welsh Government uses its social media platforms to raise awareness of its “Who is eligible for a Blue Badge?” booklet..... Page 53

Recommendation 19. We recommend that the Welsh Government writes to local authorities to remind them of the importance of taking account of the guidance on accessible parking in Manual for the Streets and Parking for Disabled People when taking forward planning policy and making planning decisions. Local authorities should also be encouraged to consult with access groups to ensure the needs of disabled people are fully considered when decisions are taken.....Page 56

Background

- 1.** The Blue Badge scheme provides a national arrangement of parking concessions for disabled people, and operates throughout the UK. The responsibility for the scheme in Wales lies with the Welsh Government, but it is administered by individual local authorities, who issue the badges.
- 2.** Until recently there have been two different categories of eligibility for blue badges. Some people can receive a blue badge automatically, which is called “eligible without further assessment”. If they do not meet the necessary criteria, an individual may still be eligible “subject to further assessment”.
- 3.** There have been two recent expert reviews of the Blue Badge scheme in Wales that have resulted in changes. The 2013 expert review recommended that the blue badge eligibility criteria should be extended to people with cognitive impairments. Following a consultation, the regulations extending the eligibility criteria to include people with cognitive impairments came into force in December 2014, along with new guidance for local authorities on implementing the revised criteria.
- 4.** A further review in 2015 recommended that the Welsh Government should consider providing a temporary badge system, where qualifying conditions are likely to last at least 12 months. On 1 October 2016, the Blue Badge scheme in Wales was extended to include those experiencing temporary, but substantial, injuries or illness. Under the extended scheme, blue badges are issued for one year to people who are “unable to walk or have considerable difficulty walking by reason of a temporary but substantial disability which is expected to last for a period of at least 12 months”. When the period of issue expires, the badge holder can reapply for a temporary or permanent badge if required.
- 5.** We agreed to undertake this inquiry into the eligibility and implementation of the Blue Badge scheme to assess the effectiveness of the scheme’s provisions. The terms of reference for the inquiry were to consider:
 - The impact of extending the eligibility criteria for a Blue Badge in Wales, and whether further extensions to the criteria are needed;
 - The practical implementation and consistency of the Blue Badge scheme across Wales, including assessments, fees and enforcement, and

- The support and information that is available to Blue Badge applicants in Wales.

Engaging and gathering evidence

6. From 14 January to 1 March 2019 we ran a public consultation. We received 20 responses from a range of organisations and individuals. Details of those who provided oral evidence and who responded to our consultation are available as annexes to this report. We heard oral evidence from the Minister for Economy and Transport (the Minister) on 1 May 2019.

7. In addition, the Citizen Engagement Team delivered a series of focus groups to hear directly from current and former blue badge holders, potential blue badge applicants, those who had their applications rejected, carers and relevant local authority staff. 12 focus groups were arranged across Wales involving 102 citizens from all five Assembly regions. Focus groups were held in Bridgend, Caerphilly, Cardiff, Ceredigion, Flintshire, Gwynedd, Pembrokeshire, Powys and Swansea.

8. Participants were sourced through a number of relevant organisations and groups including Age Cymru, Carers Wales, Credu, Disability Wales, Learning Disability Wales and the MS Society, as well as disability forums and access groups in Arfon, Ceredigion, Flintshire, Knighton and Powys. Other participants were sourced via a short explainer video on the inquiry which was promoted on the Assembly's social media channels.

9. We would like to thank all those who have contributed to our work.

1. Eligibility for a Blue Badge

Some people can receive a blue badge without further assessment if they meet certain criteria, whilst others who do not meet these conditions may still be eligible, subject to further assessment.

10. An individual will be eligible without further assessment, if they:

- Are registered as blind or have a “severe sight impairment”;
- Receive the War Pensioner’s Mobility Supplement;
- Receive the higher rate of the mobility component of Disability Living Allowance (DLA);
- Receive the mobility component of Personal Independence Payment (PIP) and they score at least 8 points in relation to the “moving around” activity in the PIP assessment, or at least 12 points in the mobility activity for planning and following journeys; or
- Receive a lump sum benefit from the Armed Forces Compensation scheme (tariffs 1-8), which includes a Permanent Mental Disorder under Tariff 6.

11. If none of these conditions apply, an individual may still be eligible “subject to further assessment”. This applies if the individual:

- Is completely unable to walk, has considerable difficulty walking, or has a substantial impairment to their mobility;
- Is a driver and has severe disabilities in both arms;
- As a result of a severe cognitive impairment, is unable to plan or follow any journey without the help of someone else;
- Is applying on behalf of a child under three with a medical condition that requires them to be accompanied by bulky medical equipment, or must be close to a vehicle to access life-saving medical treatment for that condition; or
- Has a terminal illness that seriously limits mobility.

1. 1. Eligibility criteria

Blue badges and welfare benefits

12. We heard mixed views on the link between eligibility for a blue badge and the benefits system, with most of those representing service users voicing some concern.

13. Concerns were raised by some stakeholders, particularly around changes to the Personal Independence Payment (PIP) system affecting an individual's automatic entitlement for a blue badge and around delays in settling appeals against PIP decisions. This was highlighted to us by the All Wales Forum of Parents and Carers:

“We should also be aware, in this room, that for an awful lot of those people, where they get given a verdict, if you like, from the PIP world, that then there are an awful lot of appeals, and most of those appeals are being overturned [] And in the meantime, if that's actually then having a direct knock-on impact somewhere else in someone's life, around, for example, reapplying for a blue badge—. So, we've got quite a lot of citizens who will have had their blue badge, then they come into the process of the renewal, they might be in the process of their PIP situation, the PIP situation has changed, so suddenly they're not eligible for their blue badge anymore, and it compounds the situation further for them.”¹

14. Written evidence submitted by Manon Ellis Williams, a case worker for Sian Gwenllian AM and Hywel Williams MP, also referred to individuals experiencing severe delays with the PIP system, particularly in appealing against eligibility decisions, resulting in some applicants being unable to qualify for an automatic blue badge until the PIP issues are resolved.²

15. Disability Wales raised similar concerns, and suggested that there should be a review of the Blue Badge eligibility criteria to clarify the entitlement of people with long-term health conditions who may no longer be entitled to PIP.³

¹ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 151

² [Written evidence, BB09, Manon Ellis Williams](#)

³ [Written evidence, BB16, Disability Wales](#)

16. The All Wales Forum of Parents and Carers also cited concerns about how the PIP process defines mobility:

“There is a genuine issue about how the new PIP process sets out what it means by mobility and what that, therefore, means for citizens who claim personal independence payment.”⁴

17. The [PIP website](#) says that a person is eligible if they:

- have had difficulties with daily living or getting around (or both) for 3 months;
- expect these difficulties to continue for at least 9 months (unless they’re terminally ill with less than 6 months to live).

18. Guidance on the PIP assessment criteria explains what is meant by planning and following journeys and shows the descriptors for each point threshold, so what is required to receive 4 points, 10 points, 12 points etc, for planning and following journeys. It also explains what is meant by moving around and shows the descriptors for each point threshold, so what is required to receive 4 points, 10 points, 12 points etc for moving around.⁵

19. We heard that there needs to be a discretionary element to the link between eligibility for a blue badge and welfare benefits, to capture those who are not automatically entitled via the welfare system, Disability Wales told us:

“there needs to be that discretionary element to the blue badge, because a number of people who have gone from the higher rate mobility down to the standard rate, and under eight points, still have impairments, still live with particular conditions that impact on their ability to get out and about, whether PIP recognised it or not.”⁶

20. Macmillan Cancer Support (Macmillan) agreed that the discretionary element was needed, particularly as it was aware of anecdotal evidence of failed PIP applications having a negative impact on blue badge applications.⁷

⁴ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 151

⁵ [Department for Work & Pensions, PIP assessment guide part 2: the assessment criteria](#)

⁶ Equality, Local Government and Communities Committee, Record of Proceedings, 21 March 2019, paragraph 253

⁷ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 29

21. The National Autistic Society Cymru (NAS Cymru) told us that there was a disparity between autistic people being able to access benefits such as PIP compared to those with physical conditions, leading to them being disadvantaged. We heard that “the discretionary criteria captures some of the people that might fall outside of that”, although it was stated there was also room for the discretionary criteria to better meet the needs of autistic people.⁸

People with cognitive impairments

22. Following a recommendation by an expert review of the scheme in 2013, the eligibility criteria was extended to include people with cognitive impairments.⁹ The regulations extending the eligibility criteria came into force in December 2014, along with new guidance for local authorities.

23. The extension to include people with cognitive impairments was broadly welcomed by stakeholders, although some questioned whether there was sufficient awareness of the change, both among those eligible and those assessing applications. Whilst welcoming the extension which has enabled many autistic people to access the Blue Badge scheme for the first time, NAS Cymru told us:

“some of the issues in the implementation have meant that the effect of that hasn’t really been realised to its potential.”¹⁰

24. Alzheimer’s Society Cymru told us of the variation experienced by some individuals with severe cognitive impairment in applying for a blue badge:

“right across Wales, there is a huge variation, and we’ve heard stories of people getting blue badges first try where they’ve got severe cognitive impairment and various forms of dementia, and we’ve heard stories where people haven’t been able to access them at all and they’ve had to go through lengthy appeals processes or they’ve just been turned down outright.”¹¹

⁸ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 25

⁹ [Welsh Government, Cabinet statement – Blue Badge Scheme, 3 June 2014](#)

¹⁰ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 10

¹¹ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 4

25. We heard that extending the eligibility criteria to include people with a cognitive impairment had not resulted in a large increase in the number of blue badges issued, with Caerphilly County Borough Council telling us that these only amount to 3 per cent of the total badges issued. We were told that it had not resulted in extra resources being required to administer the system, and overall customers viewed it as a positive step.¹²

Temporary badges

26. On 1 October 2016, following a recommendation by the Blue Badge Task and Finish Group the Blue Badge scheme in Wales was extended to include those experiencing temporary but substantial injuries or illness. Under the extended scheme, blue badges are issued for one year to people who are “unable to walk or have considerable difficulty walking by reason of a temporary but substantial disability which is expected to last for a period of at least 12 months”.¹³

27. When the period of issue expires, the badge holder can reapply for a temporary or permanent badge as required. Examples of a temporary but substantial disability may include:

- A person recovering from complex leg fractures, such as those managed with external fixators, for periods of well over a year;
- A person recovering from a stroke or head injury which impacts on their mobility;
- A person recovering from a spinal trauma which impacts on their mobility;
- A person undergoing medical treatment, e.g. for cancer, that impacts on their mobility; and
- A person recovering from, or awaiting, joint replacement e.g. hip, knee, that severely limits mobility.

28. Tenovus Cancer Care (Tenovus) welcomed the inclusion of cancer treatment as an eligibility criteria for a temporary blue badge, due to the debilitating effects of chemotherapy or radiotherapy. They added that using public transport would

¹² Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 238

¹³ The Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2016

be “medically incredibly imprudent” due to the immune system being compromised.¹⁴

29. Macmillan welcomed the discretion given to local authorities to expediate applications for people with a terminal diagnosis, but noted that as this was not mandatory, it did not have a clear picture as to whether this was happening across Wales.¹⁵ Representatives from Caerphilly County Borough Council and Carmarthenshire County Council confirmed that both authorities expediate such applications, and that a mandatory requirement to do so would not create additional pressures.¹⁶

30. Disability Wales noted concern at the level of public awareness around temporary badges, commenting:

“from our findings, not everybody knows that those temporary badges are available.”¹⁷

31. The representatives from local authorities acknowledged that more could be done to “raise the profile” of entitlement to a temporary badge, and likewise for those with a cognitive impairment. They suggested that an online campaign or a campaign with third sector organisations, could increase take-up from the current levels.¹⁸

32. In response to a question as to whether the timeframe to be eligible for a temporary blue badge should be reduced to include those with an impairment resulting in very limited mobility for a shorter period than a year, Disability Wales emphasised that “flexibility is key”:

“Everybody’s going to be experiencing their conditions and impairments in different ways. I think what is important is that it is monitored, so we need to ensure that the badge is returned at the end

¹⁴ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 6

¹⁵ Written evidence, BB18, Macmillan Cancer Care

¹⁶ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraphs 254-257

¹⁷ Equality, Local Government and Communities Committee, Record of Proceedings, 21 March 2019, paragraph 211

¹⁸ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraphs 247-249

of that temporary period. But, if there is still a need to continue that blue badge, then so be it.”¹⁹

33. Macmillan and Tenovus also indicated that they would support a reduction in the timescale.²⁰

34. In response to questions around the possibility of reducing the 12 month period, the Minister commented that it could lead to “a huge number of additional badges being utilised”.²¹

Further extensions to the eligibility criteria

35. We heard calls from stakeholders for further extensions to the eligibility criteria to enable people living with certain conditions to use a blue badge. Tenovus’ evidence highlighted a disparity between people who claim different types of welfare benefits, as while those in receipt of the mobility component of PIP and its Disability Living Allowance (DLA) equivalent are automatically entitled to a blue badge, those in receipt of the higher rate of Attendance Allowance (which is a benefit for people over 65 who need help at home because of an illness or disability) are not. Tenovus noted that the highest rate is often awarded to those with significant mobility issues and therefore believed that ensuring automatic eligibility for those in receipt of the higher rate of Attendance Allowance could be a positive step:

“we would certainly argue for the inclusion of—if you’re in receipt of the higher rate of attendance allowance. Because although that itself doesn’t have a mobility element, you’re going to have some pretty acute mobility needs if you need that benefit.”²²

36. Age Cymru shared concerns that people over state pension age have to demonstrate their mobility problems to qualify, whilst those in receipt of PIP and DLA automatically qualify.²³

¹⁹ Equality, Local Government and Communities Committee, Record of Proceedings, 21 March 2019, paragraph 216

²⁰ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraphs 116-118

²¹ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 203

²² Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 31

²³ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 153

37. Alzheimer’s Society Cymru and NAS Cymru suggested extending the eligibility criteria beyond those with mobility problems to include those who have difficulties with co-ordination, balance and perceiving dangerous situations.

38. Some stakeholders wished to see the criteria extended to specific groups, with Tenovus stating that those with continence issues should be considered:

“Consideration of continence issues and the need for urgent access to toilets is also an issue for many of our clients, for whom the limitations on mobility and anxiety that results from the need to urgently access toilet facilities are significant.”²⁴

39. This was echoed by an individual who responded to our consultation, who due to suffering from diverticulitis, needs rapid access to public toilets:

“I suffer stomach cramps on a daily basis and when they become severe I have less than ten minutes to get to a toilet.

I would like to see a change in policy to allow people with my very distressing disability to be allowed a blue badge to make it easier to park closer to toilets.”²⁵

40. Disability Wales suggested the inclusion of those with certain mental health issues, such as paranoia and schizophrenia, noting that such conditions “can have an impact on people’s ability to get out and about”.²⁶

41. Tenovus also suggested extension to all cancer patients (subject to the receipt of a satisfactory covering letter from a GP or clinical nurse specialist). In a joint letter to the Committee, Tenovus and Macmillan suggested that “given the complex comorbidities associated with cancer and with its treatment a general eligibility could be considered to all cancer patients upon diagnosis”.²⁷

42. The Welsh Government’s written evidence stated that while a number of specific conditions have been considered for inclusion in the eligibility criteria, subsequent reports have noted that they should not be included as they are not appropriate. The Welsh Government gives the following examples:

²⁴ Written evidence, BB 05, Tenovus Cancer Care

²⁵ Written evidence, BB 20, Individual 5

²⁶ Equality, Local Government and Communities Committee, Record of Proceedings, 21 March 2019, paragraph 251

²⁷ ELGC(5)-17-19, paper 1, correspondence from Tenovus and Macmillan

“Bowel and bladder incontinence relies on the availability of a toilet not parking concessions and people with such conditions can access’ I can’t wait’ cards;

People with mobility impairments that last less than 12 months as they would outnumber current badge holders and the scheme would be unsustainable and lose credibility.”²⁸

43. The Minister emphasised that eligibility for a blue badge is based on mobility, not medical diagnosis. He stated that the unintended consequences of extending the eligibility criteria could be “pretty devastating”.²⁹

Carers

44. Alzheimer’s Society Cymru suggested that the Welsh Government should consider carers in any revision of the guidance and criteria for applying for a blue badge. It explained that the current local authority guidance makes no mention of them applying for blue badges, either for themselves or on behalf of someone for whom they care. It called on the Welsh Government to actively consider carers, and how they can help those living with dementia through this process, when developing and refreshing guidance.

45. Alzheimer’s Society Cymru believed that carers should not be punished for using a blue badge while undertaking their caring responsibilities, when the badge holder is not in the vehicle:

“carers who are looking after their loved one and nip to the shops and pop the blue badge on the front of the car to use the space, to nip in to buy a pint of milk and then to rush back home – I think we would need to be very, very careful about, if there were some form of civil punitive measures put in place, whether that was misuse or not. Because, clearly, if the blue badge is in the name of the person who they are caring for, technically, yes, it would be, I suppose, misuse, but actually is it a misuse, if it’s in performing their caring role?”³⁰

46. The representative from Carmarthenshire Council suggested that the Welsh Government needs to clarify whether carers can use a blue badge for activities

²⁸ ELGC(5)-13-19 paper 1, Welsh Government

²⁹ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 38

³⁰ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 98

relating to their caring responsibilities when the blue badge holder is not present in the vehicle.

47. The Minister acknowledged that carers sometimes require rapid access to shops and services, but:

“their needs are nowhere near as significant as people who have the blue badge because they are overcoming physical barriers in terms of their mobility.”³¹

48. He told us that he would feel uneasy about allowing carers to use a blue badge, when the badge holder is not present as it could lead to abuse and misuse, and would be difficult to enforce.³²

49. The Minister specified that extending eligibility to allow carers to hold a blue badge in their own right could result in an additional 370,000 badges being issued, and expressed his preference to consider this as part of a wider consideration of concessionary parking for a broader range of people who require easy access to facilities, stating:

“If we are to see more people benefit from a concession of this sort, I’d prefer to look at it as a parallel process. So, rather than fundamentally change the blue badge, perhaps look at another form of positive parking badge scheme that would capture a larger number of people.”³³

Our view

50. Whilst we acknowledge that linking eligibility for a blue badge to qualification for welfare benefits can be useful as it is beneficial for those who automatically qualify, there are many others who are disadvantaged by the automatic qualification criteria. We accept that many of the other people in need of a blue badge will have their applications approved by undergoing further assessment, however we remain concerned that there are also many others who will miss out as a result of this process.

³¹ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 20

³² Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 23

³³ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 68

51. We heard the disparity referred to by Tenovus and Age Cymru that by precluding those in receipt of higher rate attendance allowance from automatically qualify for a blue badge, older people are disadvantaged. We are aware that the most recent figures from 2016 show that 75,000 – 76,000 people in Wales are in receipt of such a payment,³⁴ so extending eligibility to that group will result in a fairly substantial increase, although it is worth noting that many of those may already qualify and be in possession of a blue badge.

52. We support the suggestion made by Disability Wales that a review of the blue badge eligibility criteria should be undertaken to assess whether current provisions are fit for purpose. Such a review should consider whether there are other categories of people who should automatically qualify, and whether the process of further assessment is sufficiently robust to ensure that the broad range of needs of those applying are taken into consideration.

Recommendation 1. We recommend that the Welsh Government undertakes a review of the eligibility criteria for a blue badge. The review should consider whether there are further conditions which should automatically qualify a person to receive a blue badge, whether the process for undertaking further assessment is robust enough to respond to the various needs of those who apply, and whether the needs of those who receive a cancer diagnosis are adequately met.

53. We note the proposal by Tenovus that anyone who receives a cancer diagnosis should automatically qualify for a temporary blue badge, and believe that the review we have recommended should consider whether the current criteria for a temporary badge meets the needs of those living with cancer. We welcome the discretion afforded to local authorities to expediate applications by those with a terminal condition, and whilst this appears to be implemented successfully by the authorities we heard from, to improve consistency across Wales, we believe this arrangement should be made mandatory.

Recommendation 2. We recommend that the Welsh Government updates its guidance to local authorities to ensure that the current arrangement of expediting applications by those with a terminal diagnosis becomes mandatory.

54. We believe that carers play a crucial role in ensuring that the people they care for are able to visit amenities. We share concerns that current guidance does not include provision for carers to apply for a blue badge on behalf of the person

³⁴ [Bevan Foundation, The future of Attendance Allowance, November 2016](#)

for whom they care. We believe that in updating guidance, the Welsh Government should specify that carers are able to make an application for a blue badge on behalf of the person for whom they care.

Recommendation 3. We recommend that the Welsh Government updates its guidance to local authorities to ensure that the role of carers in applying for a blue badge on behalf of the person for whom they care is made clear.

55. Whilst we sympathise with the rationale put forward by Alzheimer’s Society Cymru and others, that carers should be able to use the blue badge of the person for whom they care while undertaking their caring role, we agree with the Minister that enforcing such an arrangement would be problematic. We recognise that carers often face time pressures, particularly if they need to undertake an errand quickly to return to the person for whom they are caring. However, we feel that allowing able bodied carers to use parking spaces allocated for those with greater mobility problems is unfair. We believe there is merit in exploring alternative options to allow carers easy access to amenities, such as a concessionary parking scheme suggested by the Minister.

Recommendation 4. We recommend that the Welsh Government explores options for introducing a concessionary parking scheme, separate to the Blue Badge scheme, to meet the needs of those who require swift access to amenities, such as carers, those with incontinence problems and those suffering a temporary impairment expected to last less than 12 months, without impacting on the availability of parking spaces for those with mobility problems.

1. 2. Blue badges for residential and care homes

56. Age Cymru raised concerns about the process for care homes, nursing homes and residential homes applying for an organisational blue badge. It suggested that they are now expected to apply for a blue badge for each relevant individual at the home, rather than one organisational blue badge which would apply to all relevant residents. Age Cymru told us of a disparity between the Welsh Government’s “[Who is eligible for a Blue Badge?](#)” leaflet and guidance to local authorities:

“on the back of the blue badge leaflet, it clearly states that care homes can apply for a single blue badge. But checking with Welsh Government guidance, the guidance states that it is preferable – it

doesn't state preferable for whom – for care homes to apply for individual blue badges for their residents.”³⁵

57. The “Who is eligible for a Blue Badge?” leaflet specifies:

“An Organisation can qualify for a Blue Badge if it both cares for and transports disabled people who would themselves be eligible for an individual Blue Badge.”

58. The Minister stated that in certain circumstances, an individual badge may be preferable should a carer or family member wish to take an individual on visits:

“an organisational badge will enable an organisation to serve the needs of somebody in residential care. However, in certain circumstances, an individual blue badge might be preferable because, for example, a carer or a family member regularly takes that individual out, therefore it would be more beneficial for them to have an individual blue badge.”³⁶

Our view

59. We welcome the provision in the Welsh Government’s eligibility document to allow organisations to apply for a blue badge for the purpose of transporting people who are themselves eligible for a badge, as this is an important aspect of ensuring that those people can participate in group activities and that those organisations can access their own badge without relying on individuals. We were concerned to hear of the confusion that has sometimes arisen regarding applications. Local authorities need to be clear that organisations are eligible and should not be advising that it is preferable for them to apply on an individual basis. And being part of an organisation which possesses a blue badge should not prevent individuals receiving one of their own.

Recommendation 5. We recommend that the Welsh Government updates its guidance to local authorities to ensure there is clarity that eligible organisations can apply for a blue badge in their own right. The guidance should specify that when an organisation meets the criteria of caring for and transporting people who are eligible, that organisation should be allowed a blue badge of its own, rather than relying on the badges of individuals.

³⁵ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 143

³⁶ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 29

2. The Assessment process

Where an applicant is eligible subject to further assessment, a local authority will look at the evidence of their disability to decide whether they will receive a blue badge. Some individuals may be required to have an independent mobility assessment. Local authorities have their own arrangements for undertaking these procedures.

2.1. The role of medical evidence and medical professionals in the assessment process

60. When an applicant is required to undergo further assessment to determine their eligibility, the local authority will look at the evidence of the individual's disability to reach a decision. Previously, the independent mobility assessment may have been undertaken by the applicant's GP.

61. In July 2017, the Minister (then the Cabinet Secretary for Economy and Infrastructure), announced that GPs would no longer have a formal role in assessing whether an individual is eligible for a Blue Badge:

“I have been clear that using GPs to assess applicants for a Blue Badge is inappropriate. GPs are expert clinicians who advise on diagnosis and treatment. They are generally not experts in the impact a condition has on someone's mobility, which is the basis for awarding a Blue Badge, and it is a poor use of GPs' considerable skills and expertise to ask them to act in this way. With the support of the British Medical Association and the Royal College of General Practitioners, we have therefore changed the toolkit to remove GPs from the assessment process.”³⁷

62. Various stakeholders called for greater consideration of the information provided by professionals. Tenovus emphasised that it would “welcome a greater role for medical professionals in certifying, rather than meeting a strict benefits-related criteria”.³⁸

³⁷ [Welsh Government Cabinet Statement, Developments to the Blue Badge Scheme in Wales, 3 July 2017.](#)

³⁸ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 23

63. Disability Wales stated that a range of professional evidence should be accepted, including evidence from a GP, consultant, social worker or occupational therapist.³⁹ NAS Cymru raised similar issues, stating that evidence from teachers, social workers and other professionals working with an individual would ensure that more eligible people receive a blue badge.⁴⁰ All Wales Forum of Parents and Carers also stated that a much broader spectrum of evidence should be used, including statements from social care carers, from family carers, teaching assistants or social workers.⁴¹

64. Carmarthenshire Council explained that it believed that the removal of GPs from the process was a positive development. In its area, applicants who require an additional assessment are assessed by one occupational therapist, which it believes ensures a consistent approach, rather than having many different GPs undertaking this work:

“in Carmarthenshire, the people who need to have an assessment are seen by predominantly one occupational therapist. So, she’s got consistency; she can benchmark her assessments, and then she’s supported by her line manager. And I think that’s a better model than having lots and lots of different GPs signing the paperwork and agreeing the assessments.”⁴²

65. The Welsh Government’s evidence paper noted that removing GPs from the process eases the pressure on GP services and promotes consistent decision-making. The Minister stated that whilst there is no longer a formal role for GPs, they still have an involvement but not in as many cases. He said that medical diagnosis is not used as a foundation for a decision.⁴³

Medical or Social model of disability

66. It was suggested by Gwynedd Council that the current assessment process follows the medical model of disability, rather than the social model of disability,

³⁹ Equality, Local Government and Communities Committee, Record of Proceedings, 21 March 2019, paragraph 253

⁴⁰ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 56

⁴¹ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 149

⁴² Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 327

⁴³ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 117

as the it focuses on the applicant's walking ability, rather than asking how a blue badge could allow the applicant to continue to live independently.⁴⁴ We explored this with other stakeholders.

67. Disability Wales told us that the process should follow the social model of disability, by focusing on the barriers faced by the applicant, rather than their medical condition:

“it's not so much about their medical conditions, it's about the ability to be able to get out of their vehicles, get out of their houses and access whatever they need to access, whether it's shops, services, education, employment. That needs to be the focus.”⁴⁵

68. Representatives from local authorities acknowledged there are “grey areas”. Caerphilly County Borough Council told us that while the guidance issued by the Welsh Government says that it supports the social model, the legislation behind the blue badge system is medically focussed. We heard that the guidance around discretionary cases advises that consideration should be given to “the applicant's difficulty in walking, which includes things like posture, rhythm, co-ordination and everything else”, which would “point towards the medical model”. The representative added though:

“However, there's other information there that says that each blue badge should be treated on a case-by-case basis and should correctly identify people who require a badge to overcome the barriers they face in accessing services. Again, I think that's more towards the social model.”⁴⁶

69. The representative went on to say that based on his experience at Caerphilly County Borough Council, a balance would be sought to be achieved by using common sense.⁴⁷

⁴⁴ **Written evidence, BB07, Gwynedd Council**

⁴⁵ Equality, Local Government and Communities Committee, Record of Proceedings, 21 March 2019, paragraph 223

⁴⁶ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 310

⁴⁷ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 314

Our view

70. The Minister has made clear his rationale for removing the formal role for GPs in the assessment process. We accept that reasoning, particularly as in some cases GPs will not have detailed knowledge of an individual's specific circumstances. However, it is clear from the evidence we heard that those representing service users believe that there should be a role for a range of professionals, including GPs to provide information in support of an application for a blue badge.

71. Whilst we do not believe that professionals should be required to provide support for each individual case, where they have made additional information available, it should be given professional, consistent and appropriate consideration by the assessor. Such information should not be restricted to medical professionals, but should also be accepted from others with detailed knowledge of an individual's circumstances, including social workers and occupational therapists.

72. We heard that further assessments undertaken by Carmarthenshire County Council are done by a trained occupational therapist, an approach it believes works well. It is important that those undertaking this work have a good understanding of mobility issues, therefore using this expertise appears to be a sensible approach.

Recommendation 6. We recommend that the Welsh Government updates its guidance to specify that consistent and appropriate consideration should be given to information provided by appropriate professionals in support of an applicant's claim for a blue badge.

2. 2. Competence and knowledge of assessors

73. We heard concerns from some stakeholders about the competence and knowledge of some of those undertaking the further assessments. Disability Wales highlighted inconsistencies in the knowledge and understanding of assessors across local authorities, with some terms such as "walking" and "considerable difficulty walking" being defined or judged differently in different local authorities. Disability Wales told us:

“our view is we’re not entirely convinced about people’s competence to carry out those assessments. We haven’t got knowledge of what training those people have undertaken to come to those decisions.”⁴⁸

74. This issue was also raised by NAS Cymru who suggested that suitable training, including autism training, should be mandatory for those making decisions on eligibility for a blue badge under the cognitive impairment discretionary criteria. Alzheimer’s Society Cymru believed that unless assessors are specifically trained in dementia, there will be a risk that those living with dementia may be disadvantaged by the system.

75. Manon Ellis Williams highlighted concerns that assessors are not qualified to make medical assessments and they lack knowledge about the effect of certain medical conditions on everyday life. She also questioned whether they understand fluctuating conditions, especially if the applicant happens to be having a relatively good day when the assessment takes place.

76. We heard from Carmarthenshire County Council, that as their assessments are undertaken by an occupational therapist, this ensures that there is an appropriate level of expertise built in to the process. However, Caerphilly County Borough Council has different arrangements in place, whereby although the assessors are trained, they are not medically qualified.

77. The Minister told us that staff who undertake the work are not meant to be medical professionals, adding:

“they are not in their own right medical professionals themselves. They are challenged to ensure that blue badges are awarded on the basis of mobility, not on the basis of medical diagnosis.”⁴⁹

Our view

78. It is crucial that those undertaking assessments have a good understanding of the mobility issues that affect people in order to determine whether a person needs a blue badge to assist with their everyday life. The approach adopted by Carmarthenshire County Council of using a qualified occupational therapist to undertake the work is an example of good practice, and whilst all assessors do not

⁴⁸ Equality, Local Government and Communities Committee, Record of Proceedings, 21 March 2019, paragraph 260

⁴⁹ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 123

need to be medically qualified, they should all be sufficiently trained to understand mobility issues and show empathy to applicants.

79. We have some concerns about the suggestion that the assessment process is heavily focussed on the medical model of disability. Understanding the social model of disability is key, and local authorities should ensure that all assessors undertake mandatory training in this as part of their role in order to improve consistency across all local authorities.

Recommendation 7. We recommend that the Welsh Government updates its guidance to local authorities to clearly specify that all staff who undertake blue badge assessments are trained to understand, and apply, the social model of disability.

2.3. The role of “lived experience” in the assessment process

80. It was suggested by some stakeholders that involving the “lived experience” of people with disabilities with first-hand knowledge of the Blue Badge scheme would improve the assessment process. The All Wales Forum of Parents and Carers told us:

“It would be much better if it was seen as a collaborative process between the local authority and citizens who are in receipt of it.”⁵⁰

81. The Forum also suggested that individuals with lived experience of disabilities and medical conditions should be used as an informal “expert group” to monitor the application process. It envisaged that such monitoring would be part of a collaborative process between the local authority and blue badge holders, where third sector groups could provide training for assessors, which would be followed-up by working with an “expert group” of badge holders who would provide continuing advice and information. It believed that such a scheme should be organised in tandem with improved data collection, which could show if any particular local authorities or individual assessor are struggling with assessment. Those that are identified as needing additional support would then be offered advice and information by the “expert group”, as well as ensuring that all assessors continue to renew and improve their skills.⁵¹

⁵⁰ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 179

⁵¹ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 185

82. The Minister explained that the Welsh Government’s White Paper on Improving Public Transport included proposals to establish Joint Transport Authorities (JTAs), and that people with lived experience could advise the JTAs on how the Blue Badge scheme and other areas of transport service provision can be improved. The Minister noted:

“I think there could be a role for a national forum, or regional forums, to be established that could advise JTAs on best practice, on lived experience, on the process of applying for blue badges.”⁵²

Our view

83. We concur with the view expressed by stakeholders that involving those with lived experience in the assessment process can lead to improvements. We welcome the Minister’s willingness to include such a role in the establishment and development of Joint Transport Authorities, however it is not clear to us what such a role would entail.

84. The Economy, Infrastructure and Skills Committee has considered proposals for establishing Joint Transport Authorities in detail in its report on the future development of Transport for Wales. We note it states that stakeholders have had little involvement in the development of proposals in the White Paper and that it expects to see tangible evidence of future consultation and co-production as JTA proposals are developed. We echo that call and seek clarity from the Minister as to how he envisages a role for those with lived experience of the blue badge system to be incorporated into his proposals for establishing JTAs.

85. The White Paper consulted on by the Welsh Government focuses on bus services and taxis and private hire vehicles, with limited detail on Joint Transport Authorities beyond a role in relation to bus and taxi / Private Hire Vehicles, therefore we would welcome clarity from the Minister as to how he envisages Joint Transport Authorities would incorporate provisions relating to blue badges.

Recommendation 8. We endorse recommendation 8 made by the Economy, Infrastructure and Skills Committee in its report on the future development of transport for Wales, that the Welsh Government moves swiftly to engage with stakeholders in developing the next White Paper on the legislation required to establish Joint Transport Authorities. The Welsh Government should set out how it envisages a role for those with lived experience of the blue badge system in

⁵² Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 185

the establishment of Joint Transport Authorities, particularly as their current focus appears to be related to public transport.

2. 4. Appealing decisions taken by local authorities

86. At present, there is no legal requirement on local authorities to formally put in place an appeals process procedure, so a change to the law would be needed.

87. Several stakeholders raised concerns at the lack of a legal requirement on local authorities to have an appeals process procedure, and recommended that one should be introduced. Disability Wales told us:

“we know that, in the guidance, it actually states that there is no appeal process. So, once a decision’s made it is final. But there is room to ask the local authority to reconsider their decision.

It can be difficult for some disabled people to do that, to have the confidence to do that. So, perhaps, in our view, there is room for an appeals process.”⁵³

88. This view was echoed by others, with Age Cymru telling us:

“technically, there is no appeals process against a blue badge. There are various types of recourse, but even so, we have had people come to us who have been told they can appeal, and have also been told that there’s no point in them appealing because the grounds won’t have changed.”⁵⁴

89. Stakeholders told us that an appeals process would enable local authorities to benchmark applications to improve consistency. NAS Cymru suggested that:

“one of the ways in which you can overcome the variability of the system is to have some sort of oversight that at least provides some level of certainty for people.”⁵⁵

90. Macmillan raised similar issues, stating that:

⁵³ Equality, Local Government and Communities Committee, Record of Proceedings, 21 April 2019, paragraphs 266-267

⁵⁴ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 195

⁵⁵ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 73

“it’s about good practice. The appeals process can see where the variations and discrepancies are and that can feed into an overall improvement of the process.”⁵⁶

91. Caerphilly Council told us that it has a “reconsideration” process:

“We’ll explain to the customer, if they’ve been refused a blue badge, the reasons, and what they can do next. Normally, we’ll just ask them to write in to us if they’ve got any further information or further medical evidence or something else they’d like to present.”⁵⁷

92. We heard that in Carmarthenshire County Council the number of formal complaints relating to the blue badge process was “very low” as officers “try and work with applicants, really, to try and draw out the information”⁵⁸

“we try and work with applicants, really, to try and get them a badge where they meet the criteria, et cetera. So, we try and work with them. It’s sort of a positive approach, really. There’s no reason not to award the badge if somebody really needs one.”⁵⁹

93. The Minister stated that there is an independent appeals process within local authority areas, where referrals on decisions can be made. He also noted that if there are difficulties in determining whether an application should succeed, a referral can be made to the Independent Advisory Service (IAS), which is funded by the Welsh Government. He told us:

“I’d be really interested to see any evidence that would suggest, or would lead us to conclude, that the independent appeals process within any of the local authorities is not operating properly, fairly or independently. I’d be really interested to see that, because I would consider whether we need an additional form of appeals process to be established.”⁶⁰

⁵⁶ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 77

⁵⁷ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 352

⁵⁸ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraphs 357-358

⁵⁹ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 362

⁶⁰ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 173

94. Alzheimer’s Society Cymru subsequently wrote to us, referring to the Welsh Government’s information booklet, which states:

“The local authority’s decision on eligibility is final. There is no appeals process.”⁶¹

95. The Minister told us that, in some circumstances, individuals can appeal to the Welsh Government⁶², which is in contrast to the booklet which specifies that:

“The Welsh Government has no power to intervene in the decision making process if an application is rejected.”

96. We subsequently wrote to the Minister to clarify these matters. In response, the Minister stated:

“Neither the primary or secondary legislation set out the requirement for an appeals process on the basis of the determination of eligibility being challenged.

It is expected that local authorities put in place their own system to review cases where the applicant has not been issued a badge and wishes to challenge the decision. From information received this is usually in the form of a review by a team manager. In addition, all local authorities have in place complaint procedures.

Some local authority have asked whether they can refer cases where the applicant is challenging the decision to the Independent Assessment Service (IAS) to make a determination as this service is paid for by the Welsh Government. The Welsh Government has never declined these requests. However not all local authorities use the IAS. Formal records have not been kept in these circumstances.”⁶³

Our view

97. We are aware that Section 21 of the Chronically Sick and Disabled Persons Act 1970 would need to be amended to require local authorities to establish an appeals process, and to give the Welsh Ministers the power to make regulations and/or issue statutory guidance dealing with how this would work in practice.

⁶¹ [ELGC\(5\)-15-19 paper 1, correspondence from Alzheimer’s Society Cymru](#)

⁶² Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 173

⁶³ [ELGC\(5\)-17-19 paper 2, Letter from the Minister for Economy and Transport](#)

98. We understand that this would be possible, subject to any amendment being drafted to ensure that it falls within the competence of the National Assembly. Equal opportunities is a reserved matter under the Government of Wales Act but there is an exception in relation to imposing duties on a local authority “to make arrangements with a view to securing that its functions are carried out with due regard to the need to meet the equal opportunity requirements”. We therefore believe that if an amendment to the Chronically Sick and Disabled Persons Act 1970 was drafted carefully to fall within this exception, then the Assembly could pass legislation to amend that Act, to provide for a review process or similar.

99. It is clear from the evidence we heard that applicants should have a clear mechanism to appeal when a local authority judges that they are not eligible to receive a blue badge. We are persuaded of the case and that arrangements should be put in place to enable applicants to make further representation in support of their claim.

100. In the first instance, we believe such appeals should be dealt with by the issuing authority to keep the process as informal as possible. They should ensure that applicants are aware that there is a clear pathway in place. We note the evidence from Caerphilly County Borough Council around the “reconsideration process” it operates in order to allow the provision of further supporting information. We note the Minister’s evidence that local authorities are expected to put their own system in place to review cases, however it should be a requirement that such provision be made available.

101. There should also be a means for those wishing to take their appeal further should they remain unsatisfied with the initial outcome. In such circumstances, there should be a formal procedure put in place at an all Wales level.

102. We share the belief expressed by stakeholders that having such a process in place would provide an opportunity to benchmark applications, which could help improve consistency and lead to fewer appeals being made as assessors learn from previous precedents.

Recommendation 9. We recommend that the Welsh Government takes the necessary action so that Section 21 of the Chronically Sick and Disabled Persons Act 1970 is amended to require local authorities to put in place a “reconsideration” or “review” process to deal with applicants who wish to challenge the authority’s decision on a blue badge application. The amendment to that Act should include a power for the Welsh Ministers to make regulations and issue statutory guidance on the detail of the process.

Recommendation 10. We recommend that the Welsh Government takes the necessary action so that Section 21 of the Chronically Sick and Disabled Persons Act 1970 is amended to require the Welsh Ministers to establish a national formal appeals process to deal with those who are dissatisfied with the outcome of their initial appeal. The amendment to that Act should include a power to make regulations on the detail of the process, including which body should be responsible for dealing with the appeals.

3. Inconsistencies in implementing the Blue Badge scheme across Wales

Several stakeholders raised concerns around inconsistencies in implementing the scheme across local authorities. We heard suggestions for practical steps that could be taken to improve consistency when applying for and renewing a blue badge.

3.1. Inconsistencies across Wales

103. In 2015, the blue badge task and finish group recommended that, in order to achieve consistency, the Welsh Government should explore options for a central body to co-ordinate the delivery of the scheme across Wales.⁶⁴ This recommendation was accepted in principle by the Welsh Government, with the response stating:

“Welsh Government will examine the business case and options for the delivery of a central body to co-ordinate the Blue Badge scheme across Wales which may require primary legislative powers.”⁶⁵

104. In a statement made in January 2016 on the recommendations, the then Minister for Economy Science and Transport stated:

“Some of the Group’s recommendations cannot be realised immediately, as they will require changes to primary legislation in order to be implemented. I am clear however that I want to see improvement and will consider the potential for a single body to administer the scheme across Wales, and about making guidance on the enforcement of Blue Badges statutory.”⁶⁶

105. It is clear that there remain inconsistencies in implementation, with all stakeholders expressing frustration. Tenovus voiced its disappointment at the

⁶⁴ [The Blue Badge Task and Finish Group report, October 2015](#)

⁶⁵ [Welsh Government response to the Blue Badge Task and Finish Group report](#)

⁶⁶ [Welsh Government Cabinet Statement, Recommendations and the future of the Blue Badge scheme in Wales, 19 January 2016](#)

“huge variation, from council to council, in the assessment and administrative processes of the Blue Badge scheme,” adding:

“Some insist on clients making an appointment to complete an application, other areas allow our CSAs [Cancer Support Advisors] to send in an application on a client’s behalf. Some have paper based applications available online, others don’t. Some insist on assessments, others don’t. Some accept covering letters from CNSs [clinical nurse specialists], others don’t. Some accept covering letters from GPs, others don’t.”

106. It added that these inconsistencies have “significantly negative impacts” on cancer patients in Wales.⁶⁷

107. Age Cymru also criticised the lack of consistency across local authorities. It stated that:

“Some officers apply a reasonable interpretation of the guidelines, while others take what seems to us to be a very harsh approach.”⁶⁸

108. Their evidence referred to particular issues with the assessment of people with mental ill health. It gave the example of someone with dementia who had been discharged by their consultant as nothing more could be done to improve their condition, but there was no proof of their impairment, given that “a letter from their GP is not necessarily sufficient proof for the officer making the decision”. Inconsistency of approach creates uncertainty for applicants and can mean that those who need accessible parking are being denied blue badges.

109. Similar concerns about the application process were expressed by Macmillan:

“there is a huge amount of inconsistency across Wales...both in terms of which forms are used, the length of the forms, who’s required to sign them, what evidence you need to back that up.”⁶⁹

⁶⁷ Written evidence, BB.05, Tenovus Cancer Care

⁶⁸ Written evidence, BB.08, Age Cymru

⁶⁹ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 43

110. Tenovus told us that its advisers, who work across local authority boundaries, have to maintain a spreadsheet to track the variability in implementation.⁷⁰

111. We heard from the local authority representatives that there is no process in place to monitor their compliance with the Welsh Government guidance, Caerphilly County Borough Council stated:

“There’s guidance, but there’s no process that we are checked on how we deal with the guidance itself.”⁷¹

112. Gwynedd Council stated that there is no consistency across Wales in terms of the assessment procedure, some councils adhere to the Welsh Government’s recommendations, while others follow a different system. It stated that feedback from some applicants “suggests that it is much easier to get a blue badge in certain parts of Wales, due to variations in the assessment procedure” which has “led to complaints and allegations that the scheme is not being implemented properly in Gwynedd”.⁷²

113. The Minister told us that his first priority was to ensure that the scheme is implemented consistently across Wales.⁷³

3. 2. Practical steps to address inconsistencies

114. Alzheimer’s Society Cymru expressed concerns regarding the discretionary nature of awarding a blue badge to those who are not automatically eligible, which means that there is no consistent approach across local authority areas. It believes that the Welsh Government should “investigate the creation of a statutory baseline assessment criteria and process to ensure that people across Wales get the same basic service”. It stated:

“We are concerned that unless concerted effort is made to improve this consistency, the changes the government is proposing will not go far enough to address the limitations in the blue badge scheme faced by people with dementia.”⁷⁴

⁷⁰ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 44

⁷¹ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 271

⁷² Written evidence BB.07. Gwynedd Council

⁷³ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 50

⁷⁴ Written evidence BB.02. Alzheimer’s Society Cymru

115. Disability Wales believes that the guidance to local authorities should be strengthened. It called for a review “ensure that assessments of discretionary badges are consistent across Wales”. It stated:

“There appears to be a postcode lottery in Wales.”⁷⁵

116. NAS Cymru also expressed concerns regarding variation in application processes, and proposed action to address the problem by publishing national application and guidance templates, placing the Welsh Government’s guidance to local authorities on a statutory footing or establishing a national body to administer the scheme in Wales. It also suggested that any data relating to the awarding of discretionary blue badges in each local authority should be published.⁷⁶

117. We heard that the All Wales Forum of Parents and Carers Forum has been told by families that it would be good to have “consistent training across all local authorities on particular conditions”.⁷⁷

118. Citizens Advice Merthyr Tydfil suggested that the Welsh Government should consider the standardisation of the application process across Wales.⁷⁸

119. Caerphilly County Borough Council and Carmarthenshire County Council both agreed that it would be desirable to have more consistency across Wales and that consideration should be given to establishing a working group to look at best practice across local authorities.⁷⁹

120. Section 21 of the Chronically Sick and Disabled Persons Act 1970 (the CSDP Act)⁸⁰ provides for badges to be displayed on motor vehicles used by disabled persons. Section 21(2) and (3) state that the badges can be issued to any person or organisation that fits a “prescribed description”. The “prescribed description” is set out in regulations, pursuant to section 21(7) of the CSDP Act. In Wales, these regulations are the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000.

⁷⁵ Written evidence, BB.16. Disability Wales

⁷⁶ Written evidence, BB.10. National Autistic Society Cymru

⁷⁷ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 157

⁷⁸ Written evidence, BB.17. Citizens Advice Merthyr Tydfil

⁷⁹ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraphs 278-279

⁸⁰ Chronically Sick and Disabled Persons Act 1970

121. The CSDP Act must be amended to enable Welsh Ministers to issue statutory guidance regarding the implementation of these regulations.

122. Written evidence from the Welsh Government confirmed that this is the position as the administration of the Blue Badge scheme is a matter for local authorities.⁸¹ Though it has provided non-statutory guidance, model application forms and a toolkit to assist in the processing of applications.⁸²

123. The toolkit was first issued in September 2014 to assist in the verification of blue badge applications. The Minister told us that the purpose was to “drive consistency and to ensure that the system operates fairly across all parts of Wales”.⁸³ However, he acknowledged that there were problems:

“you’ve heard evidence, and I’ve anecdotally heard, that there’s an inconsistent approach and that sometimes individuals perhaps aren’t advised as best as they could be in terms of eligibility and the criteria and the process that needs to be followed.”⁸⁴

124. Although there is no statutory obligation to use the toolkit, the Minister told us that he believed that all local authorities use it in some form. However, he also confirmed that they do not report back to the Welsh Government on the extent to which it is relied upon.⁸⁵ It is therefore difficult for us to understand how the toolkit, whose purpose is to drive consistency, is used by councils across Wales.

125. We heard that in 2017, the Welsh Government provided training workshops and that 18 of 22 local authorities participated but when refresher training was offered in 2018, only one showed an interest and later cancelled.⁸⁶

126. In his letter of 23 May, the Minister provided further details of councils’ engagement with the workshops.⁸⁷

⁸¹ ELGC(5)-13-19 paper 1, [Welsh Government](#)

⁸² ELGC(5)-13-19 paper 1, [Welsh Government](#)

⁸³ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 142

⁸⁴ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 13

⁸⁵ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 144.

⁸⁶ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 149.

⁸⁷ ELGC(5)-17-19 paper 2, [Letter from the Minister for Economy and Transport](#)

127. The Minister accepted that “it’d be more desirable to have statutory guidance in place”,⁸⁸ but explained the current restrictions and that a change to UK primary legislation may be required to achieve this⁸⁹.

128. He stated that the establishment of JTAs “could offer something of a silver bullet”⁹⁰ in addressing issues of consistency. They could “consolidate expertise” and “iron out inconsistencies and ensure that best practice is fully dispersed across local government in Wales”.⁹¹

129. The official supporting the Minister told us:

“Part of what we’re exploring with the future joint arrangements is how we can issue guidance to those new bodies that are created. And it may be that this issue could be swept up as part of that wider set of arrangements about guidance.”⁹²

Our view

130. The evidence we heard was clear – inconsistencies in implementing the Blue Badge scheme are causing substantial concern to applicants and have led to variations across Wales. We are disappointed by the lack of progress made since the task and finish group highlighted such problems in its 2015 report. They should be addressed urgently to ensure that the system is fair for everyone, regardless of where they live. We are pleased that the Minister has recognised that achieving consistency in the scheme should be the number one priority, and we now expect to see action to address the necessary improvements highlighted in this report and by the task and finish group.

131. We recognise that the Welsh Government has taken steps to attempt to improve consistency by providing non-statutory guidance, a toolkit and training workshops to local authorities. However, as the Minister has acknowledged, ensuring adherence to these is difficult in the absence of a legal obligation. It is

⁸⁸ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 142

⁸⁹ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 164

⁹⁰ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 4.

⁹¹ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 15.

⁹² Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 167

apparent to us that the most effective way of achieving the necessary consistency would be by enabling the Welsh Ministers to issue statutory guidance, however, we realise that legislative change would be required to allow such a course of action.

132. We note that in response to the 2015 report by the blue badge task and finish group, the then Minister for Economy, Science and Transport agreed to consider making guidance on the Blue Badge scheme statutory and believe that the Welsh Government should now explore the best route to amending the Chronically Sick and Disabled Persons Act 1970 to enable the issuing of statutory guidance.

Recommendation 11. We recommend that the Welsh Government considers the most effective way of amending the Chronically Sick and Disabled Persons Act 1970 to enable the issuing of statutory guidance in relation to the Blue Badge scheme, and take the necessary action to implement such a change. This should include considering whether the scope of the Public Transport Bill, which the Welsh Government is expected to introduce, can be expanded to include the necessary change and the changes we have proposed in recommendations 9 and 10, or whether a separate Bill should be introduced to achieve this.

133. We welcome the desire expressed by the local authority representatives to have greater opportunities to share good practice and experience with colleagues from other authorities, and believe that such work should be taken forward. We acknowledge the efforts made by the Welsh Government to arrange workshops, but the effectiveness of these was hampered by the lack of a legal obligation to participate. We believe that having statutory guidance will drive forward consistency across councils, and through that a greater focus can be put on sharing best practice.

134. We believe that a greater focus should be placed on sharing experiences and good practice between local authorities to remove inconsistencies in implementing the Blue Badge scheme. In implementing the action required to enable the issuing of statutory guidance, the Welsh Government should also work with the Welsh Local Government Association to establish a statutory working group of local authority representatives to share knowledge and practice.

Recommendation 12. The Welsh Government should work with the Welsh Local Government Association to establish a statutory working group of local authority representatives for the Blue Badge scheme. Once established, the group should meet regularly to share knowledge and good practice in implementation. The group should include representatives with lived experience

of the scheme to ensure that the views of those directly affected are represented.

3.3. Blue badge renewal process

135. We heard evidence on issues arising in relation to the renewal of blue badges, particularly concerning life-long or deteriorating health conditions.

136. Disability Wales noted inconsistencies in renewal, stating that some of their members with long-term health conditions and/or impairments are having to undergo a full assessment. It stated that it would welcome the awarding of badges for a period longer than three years to reflect the fact that a condition will not improve if an individual has a long-term progressive health condition or impairment.⁹³

137. Similar issues were raised by individual applicants, who questioned why blue badges are issued for relatively short periods of time, when applicants have life-long or deteriorating conditions.⁹⁴

138. Alzheimer’s Society Cymru stated that the current process, especially for reassessment, does not consider that dementia is a progressive, terminal condition. It emphasised that treating each renewal as a new application is distressing for applicants, and demonstrates “a lack of understanding about the condition by the criteria, assessment process and assessors”. It recommends that all eligibility assessors should be trained to at least level one on the “Good Work” framework.⁹⁵

139. The All Wales Forum of Parents and Carers of People with Learning Disabilities stated that sometimes “processes are quite straightforward, and it’s almost like a kind of paper exercise” but that there are other examples where people are being asked to “start again and go back and find all that evidence and redo it”, which it described as “quite distressing and quite painful”.⁹⁶

140. It proposed that the renewal process for individuals with life-long or deteriorating conditions should be a paper-based exercise and that badges

⁹³ [Written evidence, BB 16, Disability Wales.](#)

⁹⁴ [Written evidence, BB 01, Individual 1; Written evidence, BB 19, Individual 4.](#)

⁹⁵ [Written evidence BB 02, Alzheimer’s Society Cymru](#)

⁹⁶ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 166.

should be issued for longer than three years, decreasing the burden on assessors and avoiding causing distress to individuals.⁹⁷

141. Age Cymru told us it had heard from people who had previously qualified but were told that they were no longer eligible, even though their circumstances had not changed. These cases were most prevalent among people who had been approved on medical grounds, where a GP or a consultant has been involved in the assessment process. It provided the example of an individual who was “very distressed” having been told “by a young administrative person in a council office” that she could not renew, even though her condition had not changed. Age Cymru said that such cases can have “a big psychological impact” on applicants”.⁹⁸

142. Participants in the focus groups also felt that for those who have permanent conditions which are unlikely to improve or will deteriorate, it does not make sense to conduct a re-assessment. They felt that a “common sense” approach should prevail in such circumstances, one participant expressed the view:

“There’s a certain group of people you know who are not going to get better. They shouldn’t be assessed as often as they are. It should be like a driving licence where the badge lasts for 10 years for people with certain conditions.”

Parent of a Blue Badge holder, Pembrokeshire⁹⁹

143. One individual who responded to our consultation noted that to renew prior to January 2019, they had to visit the local council offices or could apply in principle online but as they could not upload the required supporting data, had to e-mail sensitive data to the council “in the hope it arrived in the right place”. However, they added that the online renewal process has been much improved in their area because they can now “attach documents directly to specific areas of the application and will receive a confirmation that the data is received and passed to the authority”.¹⁰⁰

144. Caerphilly County Borough Council told us that it has undertaken a successful pilot, looking at badges that are due to be renewed within a six to eight-week period, and contacting those customers. We heard that these are

⁹⁷ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraphs 170-171.

⁹⁸ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 166

⁹⁹ [Inquiry into the Blue Badge Scheme in Wales: Eligibility and Implementation – Summary note of focus groups](#)

¹⁰⁰ [Written evidence, BB11, Individual 6](#)

customers that the authority has already had contact with and whose medical condition is known to the council, and are usually medical conditions that deteriorate over time. We were told that following a quick discussion about their previous badge, a decision can be taken about renewal over the telephone, and that this approach has been popular with those seeking to renew.¹⁰¹

145. In its written evidence, the Welsh Government noted that Wales, England, Northern Ireland and Scotland are working together to introduce a UK-wide system to apply online. It noted that in developing the system, streamlined processes were included, which mean that when a local authority is satisfied that an applicant has evidence to show they will require a blue badge on a permanent basis, the application process for issuing replacement badges is shortened.¹⁰²

Our view

146. The process of having to renew a blue badge can be very stressful for a person reliant on that badge, particularly if they need to demonstrate that their circumstances have not changed. We believe that the burden on those renewing can be alleviated by local authorities adopting an approach which enables people with a life-long or life-limiting condition to automatically renew without the need for further assessment. We welcome the proactive approach taken in Caerphilly County Borough Council to contact those due for renewal and gather the necessary information over the phone. Whilst we have heard that this approach has been effective, we are not aware whether similar processes are used elsewhere.

147. We welcome the improvements made to enable applicants to submit supporting documents online, although it is important to ensure that this is not the only mechanism of providing such evidence, particularly for those less familiar with using such technology or whose condition makes this difficult for them.

Recommendation 13. We recommend that the Welsh Government works with the Welsh Local Government Association to develop a process to enable those suffering with a life-long or deteriorating condition to renew their blue badge automatically, without further assessment. The working group we have recommended be established would be an obvious forum to facilitate such discussions.

¹⁰¹ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 285.

¹⁰² [ELGC\(5\)-13-19 paper 1, Welsh Government](#)

4. Enforcement

We heard some evidence relating to abuse of the Blue Badge scheme in Wales and considered alternative methods of dealing with such behaviour.

4.1. Scale of blue badge abuse in Wales

148. The Minister told us that his second priority in relation to these matters is:

“to ensure that the blue badge is being used properly and isn’t being misused.”¹⁰³

149. Whilst representatives from Tenovus, NAS Cymru and Macmillan alluded to anecdotal evidence of misuse in the system, they were unaware of any empirical data on the scale of abuse in Wales, or empirical data about blue badge holders being unable to access disabled parking spaces due to non-badge holders using those spaces.

150. The issue of whether abuse of the scheme in Wales is widespread was discussed among those who participated in our focus groups, where mixed views were expressed. Whilst some participants shared accounts of friends and/or family of badge holders using it when the badge holder was not in the vehicle, others had not witnessed any abuse. Participants spoke of being vigilant as to whether spaces were being used by eligible people, some commented:

“Before my son was born, I never took much notice. You can’t judge, but we all do. I’ll look at some people and think ‘Are they disabled?’. I’ve seen some people park in an accessible parking space before limping into the shop on one leg, and limping out on the other.”

Parent of a blue badge holder, Pembrokeshire

“I do challenge if I see someone who doesn’t look disabled, but I don’t challenge aggressively. I query because of the preconceptions – I might not be seeing what the problem is. I really object to people abusing the Badge. If you do it (challenge them) carefully, you don’t get people’s

¹⁰³ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 95

back up.”

Blue badge holder and carer of a blue badge holder, Newport¹⁰⁴

151. Many focus group participants discussed perceptions and explained that whilst some people may be abusing the scheme, any view of widespread problems may not reflect the reality:

“I think it’s more perception. I think the amount of people who do abuse it is probably small, but it’s such an inflammatory issue that I think it gets more attention.”

Blue badge holder, Powys¹⁰⁵

152. Some participants acknowledged that many disabilities are invisible and that the extension in the eligibility criteria to those with cognitive impairments has meant that those with less visible disabilities are unfairly viewed as abusing the scheme, one commented:

“I know someone who got hassled in Tesco car park a couple of months ago and I felt very sorry for her. She had about six people around her questioning her because she was parked in a blue badge space saying “How dare you park there, you haven’t got a disability!” – well that lady might have a disability you can’t see!”

Parent of a blue badge holder, Pembrokeshire¹⁰⁶

153. The Minister told us:

“We already know that there is an issue with fraudulent activity – misuse and abuse. We believe that about one in five blue badges are being misused or abused.”¹⁰⁷

154. The Minister’s official clarified that this is UK-level data, rather than a Wales-specific statistic. In the Minister’s subsequent letter of 23 May, he clarified that the

¹⁰⁴ [Inquiry into the Blue Badge Scheme in Wales: Eligibility and Implementation – Summary note of focus groups](#)

¹⁰⁵ [Inquiry into the Blue Badge Scheme in Wales: Eligibility and Implementation – Summary note of focus groups](#)

¹⁰⁶ [Inquiry into the Blue Badge Scheme in Wales: Eligibility and Implementation – Summary note of focus groups](#)

¹⁰⁷ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 38

data he referred to was taken from a National Fraud Initiative report in 2018 and related to statistics from England.¹⁰⁸

Our view

155. The Minister has emphasised the need to remove misuse of blue badges from the system, and although we agree with that principle, we did not receive strong evidence of such problems from stakeholders. Whilst it is important to maintain the integrity of the system by reducing misuse, it is crucial that this does not lead to those with hidden disabilities being targeted because their disability or impairment is not obvious. We have heard of distressing incidents where eligible people have been wrongly accused, and would be concerned if stronger enforcement led to an increase of such incidents.

156. We are concerned that the data presented to us by the Minister relates to incidents in England, not Wales, particularly as the situation in cities such as London where car parking is at a premium is very different to our country. We would expect the numbers of people misusing blue badges in those areas to be higher, therefore collecting official data which is specific to Wales is important to get a better understanding of the scale of the problem.

Recommendation 14. We recommend that the Welsh Government should establish a mechanism for collecting official data on the misuse of blue badges which is specific to Wales in order to better understand the scale of the problem in Wales.

4. 2. Improving enforcement

157. Conwy County Borough Council suggested that parking attendants or traffic wardens should be able to scan a barcode on the front of a blue badge to access the holder's information. The information could be on a "smart card" that could be linked to the central register to determine whether a badge has expired, has been reported lost or stolen, or not been returned following the holder's death.¹⁰⁹

158. Tenovus told us that in principle, it was in favour of such a scheme, but emphasised that it should not come at a financial cost to blue badge holders.¹¹⁰

¹⁰⁸ ELGC(5)-17-19 paper 2, [Letter from the Minister for Economy and Transport](#)

¹⁰⁹ [Written evidence, BB.14, Conwy County Borough Council](#)

¹¹⁰ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 88

159. Conwy Council emphasised that penalties should be widely publicised, and guidance should be issued for the appropriate sanctions, with the ability to recommend points on a driving licence as a further deterrent.

160. Disability Wales suggested that there should be stronger enforcement from traffic wardens, along with increased activity from police officers. Disability Wales also believed that there is a need for stronger measures to be used against non-blue badge holders who park in blue badge spaces, such as penalty points on a driving licence.

161. Conversely, we were also reminded of the need for compassion when dealing with unintentional cases of perceived misuse such as a blue badge being dislodged and consequently not being displayed correctly. The All Wales Forum of Parents and Carers of People with Learning Disabilities cited a case where a carer had been issued a penalty ticket as the person with complex autistic needs for whom they cared had knocked the badge off the dash.¹¹¹

162. The Welsh Government's written evidence stated that local authority Civil Enforcement Officers can access the national database to check the status of a blue badge being displayed through hand-held devices. If a cancelled badge is identified as being used, they can issue Penalty Charge Notices. It stated that enforcement is dependent on these officers. The Welsh Government has identified good practice, and arranged workshops with the local authorities in 2017. It noted that a pilot project was agreed to implement good practice, however, following an invitation to local authorities to apply for additional funds, only one tender was received, which did not meet the project criteria.

163. The Minister stated that by July 2019, every local authority will have its own Civil Enforcement Officer to "ensure that there is full and proper enforcement of the Blue Badge scheme".¹¹² He told us he expected that as a consequence, those who are misusing the scheme, will be prevented from doing so in the future.¹¹³

¹¹¹ Equality, Local Government and Communities Committee, Record of Proceedings, 4 April 2019, paragraph 203

¹¹² Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 91

¹¹³ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 210

164. We heard that the Welsh Government has discussed improved enforcement with private car parking operators for supermarkets, but there is little appetite for this.¹¹⁴

Penalties for misuse

165. We are aware that there is a substantial amount of legislation in place which gives the relevant enforcement authorities the power to regulate the scheme. Under Section 21 the Chronically Sick and Disabled Persons Act 1970 a fine of up to £1,000 can be imposed for misuse of a blue badge, including:

- using a fake badge;
- not producing the badge for inspection by a civil enforcement officer or police/traffic warden;
- using a cancelled or stolen badge;
- using a badge when they are not entitled/no longer entitled;
- using a badge which belongs to another person with or without consent;
- using an expired badge;
- using a badge which a local authority has requested be returned; or
- not displayed the badge correctly.

166. Furthermore, we note that under Road Traffic Regulation Act 1984:

- Section 47 provides that a person who leaves a vehicle in a designated parking place (such as a disabled parking space) otherwise than as authorised (i.e. without a valid Blue Badge) shall be guilty of an offence and will be issued with a Fixed Penalty Notice/Penalty Charge Notice.
- Section 115 provides that a person can receive a fine of up to £5,000 and up to two years in prison if they use a badge not intended for their use or provide false information to obtain a badge.
- Section 117 provides that a person who contravenes any provision in relation to parking offences under the Act is also guilty of an offence if,

¹¹⁴ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 280

at the time of committing the parking offence, they were wrongfully displaying a disabled badge. That person can receive a fine of up to £1,000.

Our view

167. We believe that better use of technology can make a valuable contribution to removing misuse from the blue badge system, particularly by enabling enforcement officers to access details on the validity of a badge. We therefore welcome the assurances by the Minister that officers will be in place across all local authorities by the end of July 2019 and that they will have access to such technology.

168. However, unless officers witness the occupants of a car which displays a valid badge, they will be unable to ascertain whether it is being used by the person for whom it is intended. We are therefore unclear as to how there will be a large scale reduction in misuse.

Recommendation 15. We recommend that the Minister provides an update to the Assembly by July 2020 on how blue badge misuse has been improved as a consequence of all local authorities having civil enforcement officers in place.

169. We believe there is merit in exploring whether issuing stronger penalties, including penalty points as issued for speeding offences, would act as a deterrent to those who abuse the system. As road traffic offences are reserved under paragraph 105 of Schedule 7A to the Government of Wales Act, the National Assembly for Wales does not have the legislative competence to modify the penalties which are currently in place for parking offences. The Welsh Government should therefore work with the UK Government to explore options for increasing the penalties imposed on those guilty of misusing the blue badge system.

Recommendation 16. We recommend that the Welsh Government works with the UK Government to explore options for expanding the range of penalties imposed on those proven guilty of misusing the blue badge system, up to and including the possibility of issuing penalty points.

5. Support, advice and information

5.1. Accuracy, accessibility and availability of information

170. Disability Wales told us that incorrect advice and information is being given to applicants, particularly about the eligibility criteria for a blue badge. Its evidence emphasised the importance of all advisors and assessors being aware of the current eligibility criteria, to ensure that prospective applicants receive the correct information and that assessments are completed correctly. We were told that members of Disability Wales had highlighted a number of specific issues with accessing information on the application process, including:

- Those with a vision impairment were unable to access digital information because the file format was incompatible with screen-reading software and others did not have internet access, where most of the information is published;
- Those with a learning disability were reliant on other people to interpret the information, as easy-read versions were not readily available; and
- Those with a disability who were asked to attend a face-to-face interview were not provided with appropriate communication support.¹¹⁵

171. Disability Wales also emphasised that information should be made available in alternative formats including accessible digital formats, easy-read, British Sign Language videos and printed accessible materials for people without internet access.

172. Tenovus raised concerns about the emphasis on applicants accessing information, and applying, online. It highlighted that some applicants were still having to visit the local authority's offices to resolve issues that could not be resolved online.

173. Macmillan suggested that the quality of advice and information provided to applicants varies, with those local authorities with a single point of contact for all enquiries providing poorer advice than those with a specialist blue badge team.

174. The All Wales Forum of Parents and Carers believed that information should be far more widely available, and should be proactively offered in certain circumstances, such as when an individual is registered as a carer at a GP's

¹¹⁵ [Written evidence, BB.16, Disability Wales](#)

surgery, during appointments with a health visitor, at schools and colleges. Age Cymru expanded on this suggestion, stating that information should be available in locations where people naturally congregate such as supermarkets and shopping centres.

175. The Minister referred to the Welsh Government’s “Who is Eligible for a Blue Badge?” booklet published in 2017, which is available bilingually, online and in hard copy, in large print and in Braille,¹¹⁶ but added that he was:

“more than willing to consider any recommendations that you might have in terms of how we might work with local government to better promote the scheme.”¹¹⁷

Our view

176. Whilst we appreciate that awareness of the Blue Badge scheme among the public is generally quite high, there is always more that could be done.

177. Although the Welsh Government’s “Who is Eligible for a Blue Badge?” booklet is useful and should be relatively easy to locate online, awareness of its existence may not be high among those seeking information.

Recommendation 17. We recommend that the Welsh Government works with local authorities and health bodies to proactively promote the “Who is Eligible for a Blue Badge?” booklet by ensuring that hard copies are available at places people go to get information, such as libraries, local authority “hub” centres, Citizen’s Advice and health settings.

Recommendation 18. We recommend that the Welsh Government uses its social media platforms to raise awareness of its “Who is eligible for a Blue Badge?” booklet.

5. 2. Raising public awareness (particularly of “hidden” conditions) and challenging discrimination

178. Age Cymru stated that there is a low level of public awareness of blue badge eligibility generally, and of the extensions to the criteria. It believed that this was

¹¹⁶ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 264

¹¹⁷ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 271

contributing to misconceptions about badge holders who get out of their car with no obvious, apparent physical impairment.

179. NAS Cymru cited anecdotal evidence that those with hidden disabilities, such as autism, feel judged or discriminated against for using the scheme. It believed that there is a widely held public perception that badges are exclusively for use by those with a physical mobility issue, and as such, it is vital that all public information issued about eligibility, takes account of all those applicants who qualify.

180. Participants at our focus group meeting also raised such concerns, one commented:

“For those people with ME who are lucky enough to get a Blue Badge, they do get abuse from members of the public – because they don’t have a wheelchair or walking stick – people think they’re abusing the system.”

Parent of a blue badge applicant whose application was rejected, Ceredigion¹¹⁸

181. Disability Wales believed that there should be a public awareness campaign aimed at reducing discrimination towards disabled people. Its evidence noted that those with hidden disabilities and health conditions are particularly vulnerable to abuse from the public for using a badge, therefore, any campaign should feature a range of disabled people with varying disabilities and health conditions.

182. The All Wales Forum of Parents and Carers agreed that there needs to be a national awareness raising campaign. It suggested that it should be targeted, and undertaken alongside work to challenge and change wider public perceptions about disabilities.

183. The Minister did not believe that awareness of the scheme was causing any significant problems:

“I actually think most people in society are aware of the blue badge scheme. And, within public places, we already do have information provided, particularly in, for example, health settings. If there is an issue and it can be demonstrated of a lack of awareness of the blue badge

¹¹⁸ **Inquiry into the Blue Badge Scheme in Wales: Eligibility and Implementation – Summary note of focus groups**

scheme, then, certainly, we'd look to work with the private sector, where possible—supermarkets, as you've identified—to address that.”¹¹⁹

5. 3. Fees

184. Disability Wales, Tenovus and Gwynedd Council stated their continued support for free blue badges in Wales.

185. Conwy County Borough Council suggested that a fee should be introduced for issuing a badge, and that it should be set at an appropriate level to support the administration and delivery of the scheme. They also believed that the fee for replacement should be retained.

186. Tenovus who stated that although the £10 replacement fee is understandable, guidance could be issued on discretionary waivers in specific circumstances.

Our view

187. We agree with the view expressed by stakeholders representing the views of service users, that there should not be a fee for issuing a badge. Introducing one would impact on some of the most vulnerable people when so many depend on their badge as a lifeline to undertake their daily lives.

5. 4. Design, availability and location of blue badge parking spaces

188. Some individual badge holders, along with Disability Wales, stated that many of the designated disabled park parking spaces are too small, and do not allow sufficient space for those with mobility issues, or those using a wheelchair or mobility scooter, to get in and out of the car safely.

189. Disability Wales and individuals, also highlighted that there is a shortage of disabled or accessible spaces, especially in close proximity to shops, town centres etc.

190. Tenovus suggested that not all badge holders require parking near to facilities, but rather require a larger space or a guarantee that a designated space will be available.

¹¹⁹ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 266

191. Age Cymru suggested that the availability of parking spaces should be considered as part of a more holistic, bigger-picture approach to the ageing of the population within the changes to the built environment.

192. The Welsh Government has not published any specific guidance on the number of blue badge spaces that should be allocated in any specific location. However, the UK Government’s non-statutory guidance, Manual for the Streets, contains provisions relating to “Car parking provision for disabled people”.

193. And, according to the UK Government’s non-statutory guidance, Parking for Disabled People (Traffic Advisory Leaflet 5/95), on-street and off-street spaces should be no further than 150 metres from major destinations (such as banks, Post Offices and supermarkets) for the visually impaired and wheelchair users, 100 metres for those who are ambulatory without a walking aid, and not more than 50 metres for stick users.

194. For off-street car parks whose primary purpose is shopping, recreation and leisure (the requirements are slightly lower for car parks for employees and visitors to business premises), the minimum number of disabled parking spaces is:

- For car parks with less than 200 spaces: 3 bays or 6 per cent of total capacity, whichever is greater; and
- For car parks with over 200 spaces: 4 bays, plus 4 per cent of total capacity.

195. Both Manual for the Streets and Parking for Disabled People apply to Wales.

Our view

196. It is vital that the number and size of accessible spaces available to blue badge holders are appropriate to meet their needs. We note that the UK guidance documents provided on these are non-statutory, and therefore may not be implemented in all cases.

197. We believe that when making decisions on the number or location of accessible spaces, local authorities should consult with local access groups to ensure the needs of those using the spaces can be properly considered. This should be at the forefront of local authorities’ consideration when taking forward planning policy and making planning decisions.

Recommendation 19. We recommend that the Welsh Government writes to local authorities to remind them of the importance of taking account of the

guidance on accessible parking in Manual for the Streets and Parking for Disabled People when taking forward planning policy and making planning decisions. Local authorities should also be encouraged to consult with access groups to ensure the needs of disabled people are fully considered when decisions are taken.

5. 5. The blue badge symbol

198. Disability Wales highlighted issues with the use of an image of a wheelchair user on the blue badge itself. They suggested that this reinforced preconceptions among the public that badges are only for those is a wheelchair, rather than for people with a wide spectrum of disabilities. They believed that the symbol should be replaced by a more inclusive image.

199. Similar concerns were raised by the NAS, who stated that:

“the wheelchair emblem, both on the Blue Badge and on the parking spaces themselves, doesn’t do any benefit for autistic people who are legitimately using a Blue Badge.”

200. Tenovus noted that:

“the person in the wheelchair isn’t the most obvious or relevant symbol nowadays.”

201. The All Wales Forum of Parents and Carers suggested that there may be no need for a specific image, and that the colour blue could be used both for the badges and for car parking spaces.

202. The Minister had mixed views, recognising the wheelchair image is an international symbol of mobility, but stating:

“I’m quite sympathetic to the idea of something that does not capture a symbol that could, for some, not be desirable. But, equally, I don’t want to change something that would lead to certain benefits being lost and certain protections being lost for people.”¹²⁰

Our view

203. Whilst we appreciate that the wheelchair symbol used to illustrate the Blue Badge scheme does not portray an appropriate image of all users, particularly

¹²⁰ Equality, Local Government and Communities Committee, Record of Proceedings, 1 May 2019, paragraph 273

since the eligibility criteria was extended to include those with cognitive impairments, it is an internationally recognisable symbol and to use a different way of identifying the scheme in Wales could be problematic. We do not believe, therefore, that a different approach should be adopted in Wales at this time.

Annex A: Consultation responses

The following responses were submitted and are [published on the website](#).

| Reference | Organisation |
|-----------|---|
| BB 01 | Individual 1 |
| BB 02 | Alzheimer's Society Cymru |
| BB 03 | Future Generations Commissioner for Wales |
| BB 04 | Individual 2 |
| BB 05 | Tenovus Cancer Care |
| BB 06 | Barbara Bus Gwynedd a Môn |
| BB 07 | Gwynedd Council |
| BB 08 | Age Cymru |
| BB 09 | Manon Ellis Williams |
| BB 10 | National Autistic Society Cymru |
| BB 11 | Individual 6 |
| BB 12 | Individual 3 |
| BB 13 | Citizens Advice Rhondda Cynon Taf |
| BB 14 | Conwy County Borough Council |
| BB 15 | Wales Audit Office |
| BB 16 | Disability Wales |
| BB 17 | Citizens Advice Merthyr Tydfil |
| BB 18 | Macmillan Cancer Support |
| BB 19 | Individual 4 |
| BB 20 | Individual 5 |

Annex B: Schedule of oral evidence

The following witnesses provided oral evidence to the Committee on the dates noted below. [Transcripts](#) of all oral evidence sessions are available.

| Date | Name and organisation |
|---------------|---|
| 21 March 2019 | Miranda Evans, Disability Wales |
| 4 April 2019 | Samuel Stone, National Autistic Society Cymru Huw Owen, Alzheimer’s Society Cymru Helen Powell, Macmillan Cancer Support Martin Fidler Jones, Tenovus Cancer Care Valerie Billingham, Age Cymru Kate Young, All Wales Forum of Parents and Carers of People with Learning Disabilities Andrew Meredith, Caerphilly County Borough Council Rhys J. Page, Carmarthenshire County Council |
| 1 May 2019 | Ken Skates AM, Minister for Economy and Transport Simon Jones, Welsh Government Dewi Rowlands, Welsh Government |