

R60: Response to the inquiry into the Blue Badge (Disabled Parking) Reform Strategy

Evidence Memorandum from Disability Alliance to the House of Commons Transport Committee

1. Summary and introduction

1.1 The main observations of Disability Alliance are:

- The qualifying rules for the blue badge should be expanded to assist a wider range of people who have difficulties reaching an intended destination on foot or by public transport (section 2).
- The minimum issue period for a badge should be lowered (section 3).
- Guidance from the Department for Transport to local authorities should be changed to remove additional barriers to receipt of the blue badge that do not appear in the legislation (section 4).
- The rules for receipt of the highest rate of the mobility component of disability living allowance (DLA) for a child aged under three years should be aligned with the current blue badge rules for children under two (section 5).

1.2 Disability Alliance is a national registered charity with the principal aim of relieving the poverty and improving the living standards of disabled people. We provide information to disabled people, their families, carers and professional advisers. We are best known as the authors of the Disability Rights Handbook, an annual publication with a print-run of 30,000. We undertake research into the needs of disabled people, with particular emphasis on income needs and promote a wider understanding of the views and circumstances of all disabled people. We play an important role in advising and lobbying MPs and peers on the effects of

new and existing disability benefits. Our eventual aim is to break the link between poverty and disability.

- 1.3 Disability Alliance's expertise is in support services for disabled people. Therefore, we have not commented on local authority parking procedures, the extension of the London congestion charge or provision of parking spaces.

2. The Qualifying rules for the blue badge

- 2.1 Disability Alliance believes that the qualifying rules for a blue badge are too restrictive. The scheme ignores many severely disabled people who need to be able to park close to the places that they visit.

Medical equipment or treatment

- 2.2 Presently the badge can be awarded to a child under two years who needs bulky medical equipment nearby or who must be near a vehicle in case they need treatment in the vehicle or must be quickly taken to where they can be treated.¹ We believe that this route to qualification should be extended to all disabled people, regardless of their age.

Severe mental impairment

- 2.3 The Transport Committee asks whether the badge should be available for "people who are severely mentally impaired or who have extremely disruptive behaviour". Disability Alliance supports the award of the badge to both of these categories of people. We also believe that it is important that disabled people can qualify under each of these routes independently.
- 2.4 The proposal is obviously modelled on a similar one in DLA; a claimant can qualify for the highest rate of the mobility component if they have both a severe mental impairment and exhibit disruptive behaviour (and qualify for the highest rate of the care component of

DLA).² These terms are strictly defined and designed to include only those with the most severe impairments to brain function and the most violent behaviour.³ We believe that a person who fits either of these descriptions is likely to experience severe difficulties travelling short distances on foot and should be accepted as requiring a blue badge. Needing to fulfil both conditions is unnecessarily restrictive.

2.5 The definition of severe mental impairment used in DLA excludes those whose brain is damaged in later life (after their late 20s) and people with degenerative brain diseases (e.g. Alzheimer's disease).⁴ If a similar route to qualification is adopted for the blue badge, we recommend that all people are given equal access, regardless of their age at the onset of their impairment.

2.6 The DLA rule for people exhibiting disruptive behaviour requires close supervision whenever they are awake.⁵ We believe that this requirement is too restrictive. Supervision at home or during the night hours is unlikely to result in a need to park close to a given destination. As such, we suggest that any supervision requirements are restricted to outdoor needs.

General widening of qualification for the blue badge

2.7 The blue badge scheme recognises that as a result of their disability some people will need to park nearer to their destination than local parking schemes allow. With the increased use of pedestrianisation, congestion charges, red routes, permit parking and similar traffic restrictions, it is becoming increasingly difficult to park on main roads or in town centres. Disability Alliance believes it is time for a major reassessment of the qualifying rules for the blue badge scheme.

2.8 Any reassessment should be based on likely walking distances from ordinary public parking places to

destinations in town centres or on main roads. These distances are likely to be several times greater than the limitations to walking ability for which the badge is currently awarded. Department for Transport's guidance to local authorities suggests that a badge might be refused if the applicant can walk a distance of only 65 metres.⁶ This distance is closer to the length of an average town-centre car park than it is to the likely walking distance from the car park to Woolworths.

- 2.9 As is already recognised to some extent by the scheme, it is not solely difficulties with the activity of walking that might result in a need to park nearer an intended destination. Transporting medical equipment and a need to reach a car swiftly in an emergency are already recognised as qualifying needs for children under two years; and an inability to use a parking metre because of upper limb impairments is a qualification condition for people of any age. Disability Alliance believes that the blue badge scheme should be extended further to include other disabled people who have substantial difficulties in travelling on foot or by public transport. People who might qualify under an expanded system could include those who, because of a severe disability:
- cannot use public transport;
 - are unsafe in traffic or for some other reason are unsafe out of doors;
 - have agoraphobia or suffer severe panic attacks out of doors;
 - have no sense of direction or regularly get lost;
 - (for whatever reason) cannot go out without a companion.

3. Minimum issue period

- 3.1 Disability Alliance believes that the present minimum issue period of 3 years is too long. In Scotland, the minimum issue period is 12 months. A disability living allowance award can be made for a minimum of 6

months once a qualifying period of 3 months has passed (or immediately and without a minimum time limit if the claimant has a terminal illness)⁷. We recommend that a minimum award closer to these nine- and 12-month rules are adopted for the blue badge scheme.

4. Guidance to local authorities

- 4.1 Disability Alliance is concerned that Department for Transport's guidance to local authorities appears to create additional barriers to the issue of a blue badge to those that appear in the relevant legislation. Two examples of these barriers are outlined below.
- 4.2 A blue badge can be awarded to "a person who... has a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking".⁸ The law makes no reference to the cause of the inability or difficulty in walking. The guidance, however, indicates that the walking problem must stem from a physical cause.⁹
- 4.3 A person with upper limb disabilities qualifies for a badge if s/he "drives a vehicle regularly, has a severe disability in both arms and is unable to operate, or has considerable difficulty in operating, all or some types of parking metre".¹⁰ A flow chart in the guidance indicates that a person cannot qualify for a badge unless their upper limb disability is of "comparable severity that would enable them to qualify for a vehicle with adapted steering"¹¹ – again, a condition not required by the law.
- 4.4 Disability Alliance asks the Committee to recommend a comprehensive redrafting of the Department for Transport's guidance.

5. Extending the higher rate of the mobility of DLA to children under 2 years

5.1 We are aware that benefit law is outside the remit of the Transport Committee. However, the highest rate of the mobility component of DLA is not paid until a child's third birthday. In some ways this is understandable, as an average child does not start to walk until it is at least a year old; making it difficult to assess walking problems in very young children. The test used in the blue badge assessment is a very good one of whether the carer for a young child is likely to have extra transport costs that result directly from the disability. As such, we request that the Committee recommends its adoption for DLA.

¹ Regulation 4(3), Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, as amended.

² Section 73(3), Social Security Contributions and Benefits Act 1992.

³ Regulations 12(5) & (6), Social Security (Disability Living Allowance) Regulations 1991.

⁴ Social Security Commissioner's decision CDLA/156/94.

⁵ Regulation 12(6), Social Security (Disability Living Allowance) Regulations 1991.

⁶ Page 17, The Blue Badge Scheme Local Authority Guidance (England), January 2008.

⁷ Sections 72(5) and 73(9), Social Security Contributions and Benefits Act 1992.

⁸ Regulation 4(2)(f), Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

⁹ Pages 17 and 19, The Blue Badge Scheme Local Authority Guidance (England), January 2008.

¹⁰ Regulation 4(2)(e), Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

¹¹ Page 15, The Blue Badge Scheme Local Authority Guidance (England), January 2008.