

Welsh Government response to the report by the Equality, Local Government and Communities Committee on the Blue Badge Scheme in Wales: Eligibility and Implementation

The Equality, Local Government and Communities Committee have undertaken an inquiry into the Blue Badge scheme in Wales with the following terms of reference;

1. The impact of extending the eligibility criteria for a Blue Badge in Wales, and whether further extensions to the criteria are needed;
2. The practical implementation and consistency of the Blue Badge scheme across Wales, including assessments, fees and enforcement, and
3. The support and information that is available to Blue Badge applicants in Wales.

Our responses to recommendations 2, 8 and 16 were originally as follows:-

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.

Response: Reject

The importance of ensuring that people with terminal illnesses who are eligible for a badge receive their badge as soon as possible is acknowledged. The current guidance for discretionary mobility eligibility criteria already, includes people who have a terminal illness and mobility impairment with their applications being treated as a special case. Evidence to support applicants in these cases includes an original DS1500 form, supporting letter from McMillan nurse or relevant health specialist. (The DS1500 form can be requested by patients or their representatives from their general practitioner and sets out some medical facts relating to people with cancer and other progressive, life limiting conditions). Once this form is provided no further assessment is required and the Blue Badge can be expedited.

Therefore, we are rejecting this recommendation. However, as part of the review on the eligibility criteria consideration of this issue and the review of the guidance documentation will specifically consider whether the six months terminal diagnoses timing is appropriate. (See recommendation 3). Work will also be undertaken to ensure that the service is working to the benefit of these applicants.

Financial Implications:

The cost of a review is covered in recommendation 1 above. Administrative costs will be absorbed within current budgets.

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.

Response: Reject

The Improving Public Transport White Paper proposals relate to buses, taxis, and private hire vehicles. It also included initial proposals in relation to regional working arrangements for the management and delivery of bus services.

The Welsh Government are working closely with the Welsh Local Government Association and other stakeholders to develop more detail around the future regional working arrangements and whilst the main focus will be on the management and delivery of bus services, Welsh Government will be open to discuss other activity areas which local authorities may wish to administer on a regional footprint.

Financial Implications: N/A

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.

Response: Reject

It is important to note that there are a number of offenses that are relevant to Blue Badge misuse, not all of which are road traffic offences. In addition, the penalties for the relevant road traffic offences are already significant.

The National Assembly for Wales cannot legislate in respect of road traffic offences, including the systems of penalty points, however the Welsh Government has agreed to work with the UK Government on an upcoming review to consider how to improve enforcement and tackle fraudulent use and misuse of badges.

Financial Implications: N/A

Since the submission to the Chair of the Equalities, Local Government and Communities Committee there have been developments that justify amendments to Recommendations 2, 8, and 16 as set out below:-

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.

Response: Accept in principle

The guidance issued to support the Blue Badge scheme is non-statutory so it will not be possible to make the expedition of applications under the terminal diagnosis mandatory. However, the importance of ensuring that people with terminal illnesses who are eligible for a badge receive their badge as soon as possible is acknowledged.

The current guidance for discretionary mobility eligibility criteria already includes people who have a terminal illness and mobility impairment with their applications being treated as a special case. Evidence to support applicants in these cases includes an original DS1500 form, supporting letter from a McMillan nurse or relevant health specialist. (The DS1500 form can be requested by patients or their representatives from their general practitioner and sets out some medical facts relating to people with cancer and other progressive, life-limiting conditions). Once this form is provided no further assessment is required and the Blue Badge can be expedited.

As part of the review on the eligibility criteria and the review of the guidance documentation consideration will be given to whether the six-months terminal diagnosis timing is appropriate. (See recommendation 3). Work will also be undertaken to ensure that the service is working to the benefit of these applicants.

Financial Implications:

The cost of a review is covered in recommendation 1 above. Administrative costs will be absorbed within current budgets.

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.

Response: Accept in principle

The Improving Public Transport White Paper proposals relate to buses, taxis, and private hire vehicles. It also included initial proposals in relation to regional working arrangements for the management and delivery of bus services.

The Welsh Government are working closely with the Welsh Local Government Association and other stakeholders to develop more detail around the future regional working arrangements and whilst the main focus will be on the management and delivery of bus services, Welsh Government will be open to discuss other activity areas which local authorities may wish to administer on a regional footprint.

The extent of the influence by Welsh Government on the governance structure adopted by the authorities is limited but it will be looking to the new regional bodies to put in place an arrangement for working closely with users of our Transport services which includes Blue Badge holders.

Financial Implications: N/A

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.

Response: Accept in Principle

It is important to note that there are a number of offenses that are relevant to Blue Badge misuse, not all of which are road traffic offences. In addition, the penalties for the relevant road traffic offences are already significant.

The National Assembly for Wales cannot legislate in respect of road traffic offences, including the systems of penalty points, however the Welsh Government has agreed to work with the UK Government through the 4 Nations forum on an upcoming review to consider how to improve enforcement and tackle fraudulent use and misuse of badges. A recent meeting of the Four Nations gave opportunity for initial discussion on this including some ways of recording warnings of misuse linked to the National Blue Badge Digital System. The four nations will be investigating ways for improving enforcement further.

Financial Implications: N/A