

EQUALITY IMPACT ASSESSMENT

Title of Policy	THE DISABLED PERSONS (BADGES FOR MOTOR VEHICLES) (SCOTLAND) AMENDMENT REGULATIONS 2016
Summary of aims and desired outcomes of Policy	The aim of this policy is to extend eligibility, via an application to the local authority, to people who have cognitive impairments who have no awareness of danger from traffic and are likely to compromise their safety, or the safety of others as result. The desired outcome is in minimising the risk to personal safety by being able to park to essential amenities and services .
Directorate: Division: team	Transport Scotland: Transport Policy Directorate: Blue Badge Policy

Executive summary

The Scottish Government undertook an EQIA as part of the process to develop policy on extending eligibility, via an application to the local authority, to people who have cognitive impairments who have no awareness of danger from traffic and are likely to compromise their safety, or the safety of others as result.

This policy will initially operate on a pilot basis effective from 1 April 2016 and it will affect individuals who as a result of their diagnosed condition, may not find themselves eligible for a blue badge.

To be eligible under this new criteria an individual will need to be able to demonstrate firstly that they have a diagnosis of a 'mental disorder' as set out in section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

Secondly, the applicant will need to be in receipt of the highest or middle rates of the care component of Disability Living Allowance, the higher or lower rates of Attendance Allowance or been assessed for Personal Independence Payment as having severely limited ability or limited ability to carry out daily living activities in respect of communicating verbally, reading and understanding signs, symbols and words and engaging with other people face to face.

If they meet these first two criteria their application will be assessed by the local authority, either via desk based assessment, or, if necessary, via a face to face assessment.

Background

The Blue Badge Scheme currently focusses on helping people with severe mobility problems lead independent lives by enabling to get easier access to services they want to use.

The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 provide a range of eligibility criteria. Badges can be issued either without assessment, generally where an applicant receives a “passport” from another benefit such as Disability Living Allowance or Personal Independence Payment or following assessment by a local authority.

Currently, people who are assessed via a local authority are eligible by virtue of being able to demonstrate that they are ‘unable to walk or virtually unable to walk’ as outlined in Regulation 4(2)(f) and 4(2)(g) of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000.

Transport Scotland conducted a Call for Evidence in December 2013 which aimed to gather information on potentially extending the eligibility criteria for the blue badge scheme to include people, who as a result of a diagnosed mental disorder, have little or no awareness of danger from traffic. The subsequent analysis of the responses received indicated support for the scheme to be extended, although there remained issues on the best way to effect the change.

As a result, Transport Scotland established a Working Group in 2015 to evaluate the practical viability of an extension. Membership of the group, which is chaired by Transport Scotland is made up from people who currently administer the scheme within local authorities, health professionals who are involved with assessments under the scheme and people representing disability organisations.

This Working Group made the recommendation to Scottish Ministers that in order to gather evidence that would determine the best way to effect a change on a permanent basis, the policy should be introduced initially on a pilot basis. The pilot which will commence on 1 April 2016 and last for 12 months. Alongside the pilot, Transport Scotland, in conjunction with local authorities, will be conducting an evaluation of the effect of the eligibility extension , with the intention of drawing on the analysis to determine how best to effect the extension on a permanent basis.

The Scope of the EQIA

This policy was examined against both current and potential users of the blue badge scheme. Data sources used to inform the EQIA included; Scottish Transport Statistics, Scottish Health Survey, available statistics from DWP on Disability Living Allowance, Personal Independence Payment and Attendance Allowance, Practice Team Information (PTI), ISD Scotland 2013. Additionally data was taken from the analysis of responses to the Blue Badge Scheme Call for Evidence – Potential extension to eligibility criteria and from research conducted by Transport Scotland on the Use and Value of Blue Badge in 2012.

Key Findings

On gender it was found that there could be a greater impact from the policy change on women, assuming Blue Badge take up rates are similar by gender. There are more women than men that hold blue badges, as women tend to live longer than men and the majority of blue badge holders are over 60.

On disability, it was found that the policy was designed in a way to ensure equity by creating a definition for eligibility which was not based on any particular condition but on the ability to undertake a journey safely. This is in line with the existing mobility definition which is not focussed on condition, either but the ability to move. It was further found that this policy would only have a small impact on the number of blue badges on issue at a national level, although there may be more localised issues which could have some effect on the availability of disabled parking spaces at a local level.

On age it was found that the policy corrected a previous anomaly in the scheme where people with cognitive impairments were eligible for a blue badge through Personal Independence Payment (PIP). However, this benefit is only available to those aged 16-64.

This policy was originally designed to focus on the needs of the under 16's by including a threshold linked to those who are in receipt of the care component of Disability Living Allowance. It became clear by conducting the EQIA, and through consultation with the Blue Badge Working Group that equivalent thresholds linked to the care components of Personal Independence Payment and Attendance Allowance would also enable those over 16 to be eligible under this criteria.

Recommendations and Conclusion

The EQIA process did not identify any further issues which would have a detrimental impact on protected groups. We have therefore taken this policy to its conclusion by laying the Disabled Persons (Badges For Motor Vehicles) (Scotland) Amendment Regulations 2016. The evaluation of the pilot will enable us to gather further data which will give a better understanding of the equality issues.