

POLICY NOTE

THE DISABLED PERSONS (BADGES FOR MOTOR VEHICLES) (SCOTLAND) AMENDMENT REGULATIONS 2016

SSI 2016/72

The above instrument was made in exercise of the powers conferred by section 21 of the Chronically Sick and Disabled Persons Act 1970. The instrument is subject to the negative procedure.

Policy Objective

The Blue Badge Scheme currently focusses on helping people with severe mobility problems lead independent lives by enabling them 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.

The intention of this policy is to extend eligibility, via an application to the local authority, to people with mental disorders who have no awareness of danger from traffic and are likely to compromise their safety, or the safety of others as result.

Consultation

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 is now being given effect to through these Regulations.

The Working Group considered 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 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 report that will form the output of this evaluation will be finalised in December 2016 which, if necessary, will mean that further amendment Regulations can be laid in early 2017 to take account of the evaluation recommendations.

Additionally, badges will be issued for a 12 month period, in line with the current minimum length of term of a badge, irrespective of at what point during the pilot the badge award is made.

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 rate of the care component of Disability Living Allowance, the higher or lower rate 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.

Impact Assessments

An Equality Impact Assessment has been completed and can be accessed on the Transport Scotland website. Consideration of how this policy affects children is considered under the Equality Impact Assessment and therefore no Child Rights and Wellbeing Impact Assessment has been conducted.

A Privacy Impact Assessment is not required as all personal data collected by local authorities will be entered on the systems currently being used for the existing Blue Badge Scheme.

There are no environmental impacts as a result of this policy and therefore a Strategic Environmental Assessment has not been conducted.

Financial Effects

The Scottish Government does not believe that implementation of the Regulations will impose significant costs on individuals. Local authorities may incur additional cost with regards to administering the expected increased number of applications. A full cost analysis will be conducted by analytical colleagues within The Scottish Government in conjunction with local authorities throughout the 12 month pilot.

A Business Regulatory Impact Assessment has not been undertaken for this policy change. Any impacts on business are expected to be small.

Transport Scotland
February 2016