



Harrow Council Concessionary Travel Eligibility Criteria Statement

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1. Background

1.1 Harrow Council provides the following concessionary transport services for eligible residents:

- **Freedom Pass:** The scheme allows free travel in the Greater London area on buses, tube, national rail (London network), DLR and Tramlink, for older and disabled people who reside in the Borough. It also allows free bus travel on local bus services anywhere in England. The Harrow Discretionary Disabled Person's Freedom Pass only allows travel within Greater London.
- **Blue Badge:** The Blue Badge scheme gives free and dedicated parking close to amenities for drivers and passengers who have an enduring and substantial disability which causes mobility-related difficulties, or who are blind. Blue Badge holders can park on yellow lines for up to three hours and are also exempt from the central London congestion charge. A pass is valid for a maximum 3-year period when holders must reapply.
- **Taxi Card:** for people with serious difficulties with walking (including breathing problems and sight loss) to travel in taxis at reduced rates.

1.2 These services are funded by the Council and remain subject to review. As part of its continued scheme management and to ensure that those residents remain properly entitled to the concession/s, Harrow Council requires all existing holders to re-apply on a regular basis. The following review periods apply:

Concession	Review Period	Last Review Held
Disabled Person's Freedom Pass	Every 3 years	Rolling renewals aligned to individual pass expiry date
Discretionary Disabled Person's Freedom Pass	Every year	2021/2022
Blue Badge	Every 3 years	Rolling renewal
Taxicard	Every 3 years	2019

1.3 Applications can be made online via the Harrow Council website http://www.harrow.gov.uk/info/100010/health_and_social_care/527/concessionary_travel where Guidance Notes, FAQs and this policy statement can also be found. The website allows you to scan and upload supporting documentation and photographs. An application form is also available to download in pdf format for those unable to complete their application online or scan and upload documents. General enquiries can be made via Access Harrow on 0208 901 2680 or by email to concessionarytravel@harrow.gov.uk

1.4 Blue Badge Regulations require the use of 'expert assessors' in the assessment of eligibility under the walking criterion. An 'expert assessor' is defined as a person who:

(a) is recognised by the local authority as having:

- (i) a professional qualification recognised in the United Kingdom which enables them to diagnose, treat, or provide specialised therapeutic services, and
- (ii) the necessary expertise to assess the presence of any of the effects listed

resulting from that person's disability, on that person's capacity to walk
(b) is not employed or engaged as a general practitioner, and
(c) is not, in the opinion of the local authority, precluded by reason of their relationship with the applicant from providing an impartial assessment

The June 2019 Blue Badge Guidance states:

'The expert assessor role (previously carried out by independent mobility assessors) will continue to allow for such impartial mobility assessments as typically undertaken by OTs and Physios. The DfT envisages that local authorities will continue to draw upon them as they currently do; to help them determine (relative to the published scheme criteria) the eligibility of applicants whose difficulty whilst walking relates primarily to physical factors they experience during a journey.

'However, these kinds of mobility assessments may be less appropriate for some people with 'non-physical' disabilities – who may be able to walk, but who experience, during a journey, another very considerable difficulty whilst walking or pose a risk of serious harm to themselves or others when walking. Therefore, the broadened title of 'expert assessor' is intended to enable local authorities to draw upon a wider range of professionals with closer knowledge of the applicant's case history to certify eligibility when required.'

'In respect of physical and/or non-physical disabilities, only where a local authority cannot satisfy itself that an applicant meets, or does not meet, the eligibility criteria would it be expected to appoint an 'expert assessor'. **Most applicants would reasonably be expected to demonstrate a health/social care history that is consistent with having an enduring and substantial disability that causes them very considerable difficulty when walking between a vehicle and their destination.**

- 1.5 The Blue Badge Regulations specifically states that a GP cannot fulfil the role of 'expert assessor'. In addition, the Department for Transport (DfT), in its guidance on the concessionary bus travel scheme, 'strongly recommends' that non-automatic cases are assessed by independent health professionals and views the use of GP endorsement as 'wholly unsatisfactory'. Harrow Council applies this best practice in the assessment of non-automatic applications for all 3 concessions.
- 1.6 The DfT Blue Badge Guidance states that '**Ultimately, it is a matter for each individual local authority to adopt an assessment approach that they believe complies with the legislation and that best suits their circumstances.**
- 1.7 Harrow Council has in place a mobility assessment contract with an independent company of health professionals. This contract includes the provision of expertise in line with the above Blue Badge Regulations, and it is the responsibility of the independent assessment contractor to determine whether an applicant meets the eligibility criteria, not the expert assessor. The contract considers all new applications, reviews, and renewals under the non-automatic criteria.
- 1.8 The methodology considers each application based on a defined 'score' against a range of mobility criteria in order to be considered for approval. Dependent

upon that score the applicant may be invited to attend face-to-face clinic for further assessment, or the application may be rejected.

1.9 Anyone refused has the right of appeal, at which time additional information must be provided by the applicant, using a supplementary information pro-forma. An appeal must be made within 4 weeks of the date of the initial refusal. Where an application has been refused, either initially or on appeal, the applicant cannot reapply within 9 months of the date of the initial refusal letter unless, and only when, the applicant can satisfactorily demonstrate that their mobility has deteriorated to a point where they would now meet the eligibility criteria. If appropriate, the applicant will then be invited to reapply, and that application will be fully assessed. Some examples of where this may apply, and the supporting evidence required are listed below.

- If the applicant has had a stroke – a hospital discharge summary.
- If the applicant has been diagnosed with a medical condition that severely affects mobility – a letter from a consultant confirming diagnosis and effect on mobility.
- If the applicant has been diagnosed with a form of cancer – a letter from consultant (if in receipt of palliative care, a letter from hospice or a DS1500)
- If the applicant has had a severe fall and fractured or broken bones in their legs – discharge summary confirmation from hospital.

1.10 The independent assessment process ensures that any enquiries are dealt with speedily on behalf of the Council. It also ensures that information can be given to applicants on how their application is being dealt with and provides auditable data for use in any subsequent appeal or complaint.

2. Purpose Of Document

- 2.1 The Freedom Pass and Blue Parking Badge schemes are derived from statute where categories of disability and related eligibility criteria are defined by the Transport Act 2000 and other Government guidance. Entitlement to a Freedom Pass is defined in the Concessionary Bus Travel Act 2007, although it is open to London boroughs to also offer discretionary passes where passholders are limited to concessionary travel within London. Taxi Card is not founded in law and the related eligibility criteria are determined solely by the Council in conjunction with London Councils and the Mayor.
- 2.2 The above criteria are a combination of automatic criteria and criteria requiring further assessment. This *Eligibility Policy Statement* has been formulated to ensure consistency and clarity in the decision-making process for Disabled Person's Freedom Pass, Blue Badge and Taxi Card applications. It comprises a detailed description of the eligibility criteria that Harrow Council will apply in determining applications.
- 2.3 In all cases, applicants must provide evidence that their disabilities or medical conditions are such that they meet the stringent eligibility criteria for each of the concessionary travel services offered by the borough.
- 2.4 The *Eligibility Policy Statement* acts as a point of reference, setting out the detailed interpretation of national and regional guidance, as being applied to concessionary travel in Harrow. The primary function of the *Statement* is twofold: -
- to assist Councillors and council officers in delivering a consistent, transparent, and fair service
 - to inform an applicant and/or their representative about the detailed policy in place that is used to determine their application
- 2.5 The borough uses a comprehensive step-by-step approach to determining eligibility. A summary of the Assessment Model, as used by the borough for all applications where the eligibility criteria are non-automatic, is included in section 6.
- 2.6 This *Policy Statement* is intended to be a 'live' document and is periodically reviewed and updated to reflect any changes in eligibility criteria recommended by the Department for Transport, changes in Harrow policy or, in the light of further experience, to take into account any local circumstances.

3. Disabled Person's Freedom Pass Policy Statement

3.1 Background

- 3.1.1 The Policy Statement sets out a detailed interpretation of the seven eligibilities 'categories' defined in the Transport Act 2000 for the Disabled Person's Freedom Pass and Council policy on the Discretionary Disabled Person's Freedom Pass. Harrow Council will apply this Statement to arrive at a decision on eligibility for a disabled resident, and to inform any subsequent appeal that may arise.
- 3.1.2 The Transport Act 2000 provides a statutory discount on local bus services for eligible elderly and disabled people, with the grant of concessions governed by Sections 145 to 150 of the Act. The concession within London is governed by sections 240 to 244 of the Greater London Authority Act 1999. This provision was modified by the Concessionary Bus Travel Act 2007, with effect from 1 April 2008, to provide free travel for those eligible, from 9.30am until 11pm on weekdays and all-day weekends and bank holidays, on local bus services anywhere in England.
- 3.1.3 The statutory travel concession permit is issued by local authorities who are 'Travel Concession Authorities'. For the purposes of the Act, this includes Harrow Council.
- 3.1.4 Travel Concession Authorities are required to issue a permit free of charge to any applicant who is an elderly or disabled person 'residing' in its area. Residency is a key condition that must be met. The courts have considered the meaning of 'residence' and held that a person is properly resident in a place where his or her stay has a considerable degree of permanence to it. Applicants may be required to produce evidence in support of residency, such as a passport, driving license, GP registration or recent utility bill. If the applicant pays council tax in the borough, the council will use this as evidence if the property is their main residence and not a second home. The applicant may be required to re- confirm their residency to Harrow after a period following their initial acceptance of eligibility. To qualify for a permit the applicant's "sole or principal" residence must be within the authority's boundaries. Where an applicant owns two or more properties, then the place of residence shall be that where for Council Tax liability purposes, the applicant pays council tax as the occupation of the property as their main residence not as a second home. It should be noted that applicants with a permanent disability will be required to produce evidence of identity and residency.
- 3.1.5 Please note you will NOT qualify for any travel concession in Harrow if you are prevented by your immigration status from claiming benefits in the UK or generally prevented from having recourse to Public Funds. Should this be the case then you must not apply. It is Harrow Council policy to prosecute all fraudulent claims.
- 3.1.6 From 6th April 2010, the age at which older people become automatically eligible for free travel will be later than that of their 60th birthday. Applicants are advised to use the DirectGov tool (link below) to calculate the date at which they become automatically eligible for an Older Person's Freedom Pass.

<http://pensions-service.direct.gov.uk/en/state-pension-age-calculator/home.asp>

3.2. Department For Transport Guidance

3.2.1 The Department for Transport (DfT) has produced guidance to Travel Concession Authorities on assessing the eligibility of disabled people. '*Guidance to Local Authorities on Assessing Eligibility of Disabled People in England for Concessionary Bus Travel*' was issued in February 2008.

Automatic Eligibility not requiring further assessment

3.2.2 The DfT considers receipt of other state benefits to be a robust way of assessing eligibility. As a result, the DfT considers that the following benefits confer an 'automatic' entitlement to the travel concession permit, and require no further assessment, provided the benefit has been in place for at least 12 months, or is expected to be for at least 12 months. All applicants will have to submit current proof that they are in receipt of the following to be automatically eligible:

- Higher Rate of the Mobility Component of Disability Living Allowance (HRMCDLA).
- Personal Independence Payment (PIP), where the applicant has been awarded at least eight points against either the PIP 'Moving around' and/or 'Communicating verbally' activities.
- War Pensioner's Mobility Supplement (WPMS).

Non-Automatic Eligibility subject to further assessment

3.2.3 Applications that are outside the 'automatic' DfT qualifications described above are for determination by the local Travel Concession Authority within the scope of the DfT Guidance. Harrow's policy on the non-automatic eligibility criteria for a concessionary Disabled Person's Freedom Pass is set out below.

Discretionary (London-only) Disabled Person's Freedom Pass

3.2.4 Discretionary passes cover only limited mental health criteria and exceptional circumstances, as detailed in Section 3.5 of this Statement. The Discretionary pass is only available to those residents who are on a Central and North-West London NHS Foundation Trust (CNWL) register or other appropriate and relevant London Borough of Harrow list of patients. All applications for the Discretionary Disabled Person's Freedom Pass are for determination by Harrow Council.

3.3 Transport Act 2000 Eligibility Categories

3.3.1 There are seven categories of disabled people who are entitled to the statutory minimum concession. These are set out in section 151(4) of the 2000 Act and are listed below:

- a) **Is blind or partially sighted.**
- b) **Is profoundly or severely deaf.**

- c) **Is without speech.**
- d) **Has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on his ability to walk.**
- e) **Does not have arms or has long-term loss of the use of both arms.**
- f) **Has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning.**
- g) **Would, if he applied for the grant of a licence to drive a motor vehicle under Part 3 of the Road Traffic Act 1988, have his application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the grounds of persistent misuse of drugs or alcohol.**

3.3.2 The categories listed above do not cover the full range of disabled people included in the Disability Discrimination Act 1995 definition. However, the types of disability are those which are permanent, or which have lasted at least 12 months, or which are likely to last at least 12 months or are likely to recur. It is expected that the disability should have a substantial effect on a person's ability to carry out normal day-to-day activities.

3.3.3 Under the terms of the 2000 Act it is for the local authority to determine whether someone is a 'disabled person' for the purposes of concessionary travel.

3.4. Requiring Further Assessment

3.4.1 This section defines the interpretation of the Transport Act criteria and DfT Guidance that Harrow use to reach a decision on non-automatic eligibility.

3.4.2 The DfT places the onus on the applicant to prove their entitlement. Harrow uses a comprehensive approach to determining eligibility for the transport concession, which requires applicants to provide evidence that their disabilities or medical conditions are such that they meet the eligibility policy set out.

3.4.3 Harrow will accept the evidence listed under each category for the purposes of determining eligibility. Some evidence is categorised as 'permanent' and may not require any subsequent review, although it will remain necessary to periodically confirm identity and place of residence. Other evidence may be temporary and may require a periodic review.

3.4.4 The shaded box areas in this section are the guidance notes issued by the DfT for each of the seven categories. Harrow's interpretation of that guidance for the purposes of each category is given below each shaded box.

3.4.5 For ease of reference, the seven categories are considered as follows: -

- a) **blind or partially sighted – section 3.4.6**
- b) **profoundly or severely deaf – section 3.4.7**
- c) **without speech – section 3.4.8**
- d) **ability to walk – section 3.4.9**
- e) **does not have arms/long-term loss of the use of both arms – section 3.4.10**
- f) **learning disability – section 3.4.11**
- g) **refusal of a driving licence – section 3.4.12**

3.4.6 Blind Or Partially Sighted

DfT Guidance Category a) - is blind or partially sighted

33 'Blind' means having a high degree of vision loss i.e., seeing much less than is normal or perhaps nothing at all. 'Partially sighted' is a less severe loss of vision. Partially sighted people can see more than someone who is blind, but less than a fully sighted person. Blind and partially sighted people can register with their local council. The register is held by the social services or social work department, or by a local voluntary agency, and is confidential.

34 For registration purposes, the term 'blind' now becomes 'severely sight impaired (blind)' and partially sighted becomes 'sight impaired (partially sighted)'. The formal notification required to register as "severely sight impaired" or "sight impaired" is a Certificate of Vision Impairment (CVI), signed by a Consultant Ophthalmologist (eye specialist). However, registration is voluntary. The individual should have a copy of their CVI and should be encouraged to register, if they have not already done so, as they may be entitled to various other benefits too.

35 In general terms a person can be registered as severely sight impaired (blind) if they cannot see (with glasses, if worn) the top letter of the eye test chart (used by doctors and opticians) at 3 metres or less. Some people who can read the top letter of an eye test chart at 3 metres, but not at 6 metres, may still be eligible for registration as blind if their field of vision is also severely restricted. Only being able to read the top letter at 3 metres is sometimes referred to as 3/60 vision: the person can see at 3 metres what a person with normal vision can see at 60 metres.

36 A person can be registered as sight impaired (partially sighted) if they have a full field of vision but can only read the top letter of the eye test chart at 6 metres or less (with glasses, if worn). However, if they can read the next three lines down at the same distance, but the field of vision is either moderately or severely restricted, they may still qualify for registration.

37 The Department advises that concessionary travel passes should be issued to people whose sight is so impaired that they would be able to register as severely sight impaired (blind) or sight impaired (partially sighted). Local authorities may, where a person is not on the local authority register, require evidence from an eye specialist, for example an optometrist, that the applicant would qualify to be registered as severely sight impaired (blind) or sight impaired (partially sighted).

Advice on how to register can be found on the Royal National Institute for the Blind (RNIB) website at:

http://www.rnib.org.uk/xpedio/groups/public/documents/publicwebsite/public_registration_

Harrow will accept the evidence listed below for the purposes of determining eligibility:

- Certificate of Severe Visual Impairment.
- Certificate of Visual Impairment.
- BD8 (old certification system).

These will usually be categorised as permanent and will not require an assessment review.

3.4.7 Profoundly Or Severely Deaf

DfT Guidance Category b) - is profoundly or severely deaf

38 Hearing loss is measured in decibels across the normal hearing spectrum, as dBHL (Hearing Level). People are generally regarded as having a severe hearing loss if it reaches 70-95 dBHL and a profound loss if it reaches 95+ dBHL. The Department advises that the statutory minimum concession should be made available to people in these categories.

39 There is no statutory registration system for deaf people. However, many will be registered on a voluntary basis with their local authority social services department. The register is open to people who have varying degrees of hearing loss, so in checking the register a local authority is advised to check that the applicant is profoundly or severely deaf before issuing a national concession bus pass.

40 As in the case of blind and partially sighted people, local authorities may, where appropriate, require applicants to provide evidence of registration before issuing a pass, or evidence that they could register, for example, an audiological report, or a report from an aural specialist.

Harrow will accept the evidence listed below for the purposes of determining eligibility:

- Proof of severity of hearing loss 70 dBHL or greater in both ears, either from a medical report or an audiology report.

Applicants with a cochlear implant that reduces hearing loss to below the levels set out above will not qualify under Category B but may be eligible under Category C (Without Speech).

See Appendix for further information about reading audiology reports.

This will usually be categorised as permanent and will not require an assessment review.

3.4.8 Without Speech

DfT Guidance Category c) - is without speech

41 Included within this category are people who are unable to communicate orally in any language. Those people will be:

- unable to make clear basic oral requests e.g., to ask for a particular destination or fare.
- unable to ask specific questions to clarify instructions e.g. 'Does this bus go to the High Street?'

42 This category would not, in the Department's opinion, cover people who are able to communicate orally but whose speech may be slow or difficult to understand, for example because of a severe stammer.

43 In considering an application on these grounds the local authority may reasonably require medical evidence to support the application in appropriate cases.

Harrow will accept the evidence listed below for the purposes of determining eligibility:

- Proof that the applicant uses sign language – it may be necessary to consult a medical practitioner.
- Medical report confirming severe speech impairment, e.g., following a CVA.
- Proof of severe learning disability.

These will usually be categorised as permanent and will not require an assessment review.

3.4.9 Ability To Walk

DfT Guidance Category d) - has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on his ability to walk

44 To qualify under this category, a person would have to have a long term and substantial disability that means they cannot walk, or which makes walking very difficult.

45 It is envisaged that passes will be issued to people who can only walk with excessive labour and at an extremely slow pace or with excessive pain. Their degree of impairment should be at comparable level to that required to claim the Higher Rate Mobility Component of Disability Living Allowance. This is set out below:

(i) they cannot walk or...

Being unable to walk means that they cannot take a single step.

They need to show that because of their disability they cannot put one foot in front of the other.

Walking involves always having one foot on the ground.

If their only way of getting about is to swing through crutches, then they will be considered unable to walk.

(ii) ...they are virtually unable to walk, or...

They will need to show that, because of a physical disability, they are unable to walk very far without experiencing severe discomfort. This question does not apply to people with mental disabilities, your inability to walk very far must stem from a physical condition.

The Department for Works and Pensions take several factors into account when deciding whether or not someone meets this criterion. For example:

Discomfort can mean either pain or breathlessness. Extreme fatigue and stress may also be considered. It has been accepted that discomfort is subjective and that some people have higher pain thresholds than others. Unless both legs are missing then they will need to show that they experience severe discomfort even when using an artificial aid.

When deciding whether they are virtually unable to walk the following factors should be considered:

- the distance over which they can walk without experiencing severe discomfort
- the speed at which they can walk
- the length of time for which they can walk
- the way they can walk

contd....

If they can only walk up to 27 metres without severe discomfort, then they will qualify for the higher rate.

If they can only walk between 27 and 64 metres without severe discomfort, then it is likely that they will qualify for the higher rate.

If they can walk more than 64 metres without severe discomfort, then they will need to show that the other three factors mean that they are virtually unable to walk. For example, if they can show that it takes them five minutes to walk 100 metres, they should qualify for the higher rate.

As a guide, the average person can walk the following in a minute:

- 90 metres at a brisk pace
- 60-70 metres at a moderate speed
- 40-50 metres at a slow pace
- 30-40 at a very slow pace

It does not matter whether the severe discomfort occurs at the time of their walk or later. What counts is that the discomfort is a direct result of their attempt to walk.

(iii) The exertion required to walk would "constitute a danger to their life or would be likely to lead to a serious deterioration in their health"

The test here is whether the exertion required to walk would constitute a danger to their life or whether it would be likely to lead to a serious deterioration in their health.

They need to show that they should not walk very far because of the danger to their health.

This criterion is intended for people with serious chest, lung, or heart conditions.

Some people with haemophilia may also qualify for the higher rate in this way.

The serious deterioration does not need to be permanent, but it should require medical intervention for them to recover.

They will need to show that any danger to their health is a direct result of the physical effort required to walk.

People with epilepsy will need to show that any fits were brought about by the effort required to walk.

46 In all cases, entitlement depends on the applicant's difficulty in walking and considerations, such as difficulty in carrying parcels, are not to be taken into account.

contd....

47 The fact that a walking aid is or is not used may be relevant to the eventual decision, but these alone should not determine whether a person qualifies. For example, if a person can walk relatively normally with the use of an artificial leg, then they should not be considered eligible. Alternatively, a person who can only swing through on crutches could be considered eligible, as they would be seen as having considerable difficulty walking (provided it is due to a long-term disability and not due to legs being in plaster).

48 The Department advises that the authority should normally require medical evidence to support the claim that the applicant's walking ability is long term and substantially impaired.

Further guidance on eligibility under this category is given in Section 6.

3.4.10 Does Not Have Arms Or Has Long-Term Loss Of The Use Of Both Arms

DfT Guidance Category e) - does not have arms or has long-term loss of the use of both arms

49 This category includes people with a limb reduction deficiency of both arms; bilateral upper limb amputation; muscular dystrophy; spinal cord injury; motor neuron disease; or a condition of comparable severity.

50 In the Department's opinion, it also covers both people with deformity of both arms, and people who have both arms, if in either case they are unable to use them to carry out day-to-day tasks, for example, paying coins into a fare machine. In these latter cases the Department advises that a local authority should normally require independent medical evidence to support the application.

Harrow will accept the evidence listed below for the purposes of determining eligibility: -

- Medical report proving disability.

This will be categorised as permanent and will not require an assessment review.

3.4.11 Learning Disability

DfT Guidance Category f) - learning disability that is a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning

51 A person with a learning disability has a reduced ability to understand new or complex information, a difficulty in learning new skills, and may be unable to cope independently. These disabilities must have started before adulthood and have a lasting effect on development. The person should be able to qualify for specialist services and he or she may have had special educational provision.

52 The Department of Health adopted the term 'learning disability' in 1992. It has the same meaning as its predecessor 'mental handicap' but it is seen as more acceptable, particularly in reducing the confusion with mental illness.

53 In determining eligibility in a case where there has been no previous contact with specialist services a local authority should normally require independent medical advice or check any register of people with learning disabilities which might be held by the Social Services Department of the applicant's local council.

In line with the definition of a learning disability set out in the Government White Paper, *Valuing People* (Department of Health, 2001), a person is deemed to have a learning disability when all the following are present:

- a significantly reduced ability to understand new or complex information and to learn new skills (significantly impaired intelligence)
- a significantly reduced ability to cope independently (significantly impaired social functioning)
- the condition having started before adulthood, with a lasting effect on development

As set out in *Valuing People*, the term learning disability does not include all those who have learning difficulties. The following are examples, not exhaustive, of what is not accepted as a learning disability:

- Dyslexia/dyspraxia/dyscalculia
- Learning difficulties (i.e., Moderate Learning Difficulties)
- Brain damage sustained after the age of 18
- Asperger's Syndrome
- Autistic Spectrum Disorder
- ADHD

These conditions may be co-morbid with a learning disability, however diagnosis of these alone would not be accepted as proof of a learning disability.

Harrow will accept the evidence listed below for the purposes of determining eligibility:

- Educational statement (i.e., SEN or EHCP) identifying severe, moderate, or mild learning disability

- Medical summary indicating diagnosis of a severe, moderate, or mild learning disability
- Official assessment demonstrating an IQ of 70 or below, in conjunction with evidence of:
 - significant impairment of social or adaptive functioning
 - onset occurred in childhood (before they turned 18).

Note that having SEN or an EHCP does not in itself automatically meet the criteria, as the applicant could be supported because of a specific diagnosis (i.e., Autistic Spectrum Disorder) or a learning difficulty and not a learning disability.

To establish a significant impairment of social or adaptive functioning, Harrow Council will accept the following evidence:

- Receipt of DLA for care at the middle or higher rate only
- Standard Rate Daily Living Activities Component of the Personal Independence Payment (PIP), where the applicant has been awarded at least four points against at least two of the following:
 - PIP "Communicating verbally" and/or
 - PIP "Reading and understanding signs, symbols and words" and/or
 - PIP "Engaging with other people face to face" activities " and/or
 - PIP "Making budgeting decisions" activities"
- Evidence that supported living is necessary
- Evidence from support worker or similar
- Other – in receipt of travel training, for example.

Evidence of benefits or support alone will not be considered sufficient to demonstrate that an applicant has a learning disability, and the above will only be accepted as proof of a learning disability in conjunction with evidence of an IQ of 70 or below and childhood onset.

These will be categorised as permanent and will not require an assessment review.

3.4.12 Refusal Of A Driving Licence

DfT Guidance Category g) - would be refused a driving licence because of physical fitness other than on grounds of persistent misuse of drugs or alcohol.

54 Under Section 92 of the Road Traffic Act 1988 the Secretary of State may refuse to issue a driving license on the grounds of the applicant's medical fitness. Those who are currently barred from holding a license are people with:

- i. epilepsy (unless it is of a type which does not pose a danger - see below);
- ii. severe mental disorder.
- iii. liability to sudden attacks of giddiness or fainting (whether as a result of cardiac disorder or otherwise);
- iv. inability to read a registration plate in good light at 20.5 metres (with lenses if worn).
- v. other disabilities which are likely to cause the driving of vehicles by them to be a source of danger to the public.

55 It will be seen that specific reference is made to people who **persistently misuse drugs or alcohol**. Those people are not covered by the definition of 'disabled person' under the Act and are thus not entitled to the statutory minimum travel concession.

56 It is not a condition of entitlement under this category that the disabled person should apply for and be refused a driving license (which would be unduly burdensome for everyone involved). If, for people with any of the disabilities (ii) - (iv) listed above, the local authority can be confident that a license would be refused it should therefore be able to issue the travel pass automatically. For (i) epilepsy - the bar is not automatic and depends on the circumstances.

57 The Motor Vehicles (Driving Licenses) Regulations 1999 permit the grant of a driving license to a person with epilepsy if that person:

- (a) has not had an epileptic attack whilst awake for a year or more; or
- (b) has a history of attacks whilst asleep, and only whilst asleep, over the past three years or more,
...provided that the driving of a vehicle by that person is not likely to cause danger to the public.

58 There are several categories of "severe mental disorder" under which people may qualify. Authorities will need to assess individuals on a case-by-case basis as eligibility may depend on the severity of the condition. Such conditions include (but are not limited to) dementia (or any organic brain syndrome); behaviour disorders (including post head injury syndrome and Non-Epileptic Seizure Disorder); and personality disorders.

contd....

59 Other groups include:

- People with restricted visual fields, who will be refused a license if they do not have a horizontal field of vision of at least 120 degrees, or if they have significant scotoma encroaching within 20 degrees of the central fixation point in any meridian or, sometimes, if they have restricted vertical fields of vision.
- Insulin dependent diabetics. In general people with insulin dependent diabetes can continue to drive, although their license may be renewable on a 1, 2, or 3-yearly basis. However, where the person experiences disabling hypoglycemia, they will be prevented from driving until their diabetes is controlled.

60 The above list is not comprehensive. Any person with a cardiac, locomotor, renal or neurological disorder might qualify. Where there is doubt about whether someone would be refused a driving license, the local authority is strongly advised to require independent medical advice.

Harrow will accept the evidence listed below for the purposes of determining eligibility.

Epilepsy:

- To provide medical proof that the applicant has not been free from seizures for more than 12 months.
- Or proof that the applicant has recently withdrawn his/her driving licence on the grounds of epilepsy.

Diabetes suffering from uncontrolled hypoglycaemic episodes:

- Proof that the applicant has surrendered his/her driving licence due to uncontrolled hypoglycaemic episodes.

Mental Health

- A letter from the DVLA confirming that they have been refused a driving Licence due to mental health.
- Report from a psychiatrist confirming applicant's inability to hold a driving licence.

Where an applicant has not been refused a Driving Licence but is considered medically unfit to drive due to one of the following conditions then the applicant must provide a consultant's report in support of the conditions listed below that includes confirmation that you do not meet DVLA requirements to hold a driving licence:

- Epilepsy
- Severe mental disorder
- Liability to sudden attacks of giddiness or fainting
- Inability to read a registration plate in good light at 20.5m (with lenses if worn)
- Other disabilities that are likely to cause the driving of vehicles by you to be a source of danger to the public

Please note that Harrow Council may check responses to this question with the DVLA.

This category may be subject to a review.

3.5 Discretionary Disabled Person's Freedom Pass

- 3.5.1 The general principle to award a Discretionary Disabled Person's Freedom Pass is that a person would suffer from social isolation because of their inability to get about. This includes the person not being able to drive and no members of their household, including a carer, parent, or guardian, having access to a motor vehicle.
- 3.5.2 It should be noted that the Discretionary pass is only available to those residents who are on a Central and North- West London NHS Foundation Trust (CNWL) register or other appropriate and relevant London Borough of Harrow list of patients.
- 3.5.3 Furthermore, Harrow residents who are eligible for the mayor's 60+ pass are not entitled to a Discretionary Disabled Person's Freedom Pass.
- 3.5.4 Holders of a Discretionary Disabled Person's Freedom Pass are not entitled to be members of the Taxicard scheme.
- 3.5.5 Eligibility is specifically restricted to people who meet the following mental health needs criteria and to very limited exceptional cases, as set out below:

Mental Health needs criteria

Either

- a. Receive Middle Rate Care component of Disability Living Allowance, or awarded 12 points under the Daily Living Activities Component or awarded the Enhanced Rate under the Daily Living Activities Component of the Personal Independence Payment (PIP), **and**
Has a severe and enduring mental health illness lasting at least 12 months and where the condition leads to a serious impairment of social functioning, **and**
Has regular contact with a mental health professional, such as a psychiatrist or key mental health worker, for example a Community Psychiatric Nurse (CPN) or is on a care programme approach (CPA)

Or

- b. Requires a mental health day care or clinic two or more times a week, for which they would need a travel permit to attend, as determined by a Community Mental Health Team worker, Psychiatrist or CPN. And has a requirement to attend a Mental Health Hospital for regulatory medication. These must be documented as a necessary therapeutic requirement, for example to access treatment, or to participate in therapy or recreational and/or educational activities to improve their mental health.

Exceptional case criteria need:

Sufferers of chronic medical conditions exacerbated by physical activity, which will also then affect their mobility, or to provide an essential escort for learning disability teens/adults where the disabled person has a Freedom Pass and can use the bus but cannot travel alone due to cognition/orientation/safety

reasons. It should be noted that only one escort pass will be issued, to the main carer, and that a carers pass will only be provided whilst the main passholder is aged under 18.

- 3.5.6 It should be noted that Exceptional circumstances do not apply to residents of residential homes. The assessment will be based solely on mobility and will not consider compassionate or financial grounds.

4. Blue Badge Policy Statement

4.1 Background

4.1.1 The Blue Badge scheme is a statutory scheme operated by the London Boroughs and gives free and dedicated parking close to amenities for drivers and passengers with mobility-related disabilities, or who are blind. Blue Badge holders are able to park on yellow lines for up to three hours and are also exempt from the central London congestion charge.

4.1.2 The Regulations governing the Scheme are The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2019, the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013, Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended by the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2000, and the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007. Other legislation, such as the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000, is also relevant.

4.1.3 A pass is valid for a maximum 3-year period, whereupon passholders must reapply. However, certain exceptions apply, as detailed below:

- In the case of children under three, the badge is issued for a maximum period ending on the day immediately following their third birthday
- Where entitlement is linked to an award of HRMCDLA, PIP or WPMS the period of issue is linked to the period of receipt of that allowance, where that period is less than three years. For example, a badge can be issued for 9 or 12 months if this corresponds with the period of issue of HRMCDLA or WPMS.

Where HRMCDLA, PIP or WPMS has been granted for a period longer than three years, the badge is only issued for a standard three-year period. In no circumstances is a badge issued under the 'subject to further assessment' walking criterion (which states that a person needs to have a 'permanent and substantial disability') to applicants with a temporary disability or for a period of less than 3 years.

4.1.4 In June 2019, the Department for Transport published updated guidance *Blue Badge Scheme Local Authority Guidance (England)*, which includes reference to those with "hidden disabilities". This policy statement takes account of the updated guidance.

4.2 Department For Transport Guidance

4.2.1 In the *Blue Badge Scheme Local Authority Guidance (England)* dated June 2019, the DfT identifies two different types of eligibility:

- Eligible without further assessment
- Eligible subject to further assessment

Eligible without further assessment

4.2.2 The DfT considers receipt of other state benefits to be a robust way of assessing eligibility. As a result, the DfT considers that the following benefits confer an 'automatic' entitlement to a Blue Badge, for those who are more than two years old. All applicants will have to submit current proof of receipt to be automatically eligible, including the annual uprating letter for HRMCDLA.

- Higher Rate of the Mobility Component of Disability Living Allowance (HRMCDLA); or
- Personal Independence Payment (PIP) where the applicant receives 8 points or more under the 'moving around' activity of the mobility component, or
- Personal Independence Payment (PIP), where the applicant receives the mobility component of PIP and has obtained 10 points **specifically for Descriptor E** under the 'planning and following journeys' activity, on the grounds that they are unable to undertake any journey because it would cause them overwhelming psychological distress, or (N.B. While cumulative points under the 'moving around' mobility activity can count towards qualification under this criterion, this does not apply to the 'planning and following journeys' mobility activity. Under the 'planning and following journeys' mobility activity only a score of 10 points for Descriptor E ('cannot undertake any journey because it would cause overwhelming psychological distress to the claimant') counts as meeting eligibility. Applicants in receipt of 10 points for Descriptor D, or 12 points for Descriptor F under the 'planning and following journeys' mobility activity do **not** qualify under this criterion. Such applicants are considered under the 'subject to further assessment' criteria.)
- Is registered blind (severely sight impaired); or
- War Pensioner's Mobility Supplement (WPMS); or
- Has been both awarded a lump sum benefit at tariffs 1-8 of the Armed Forces Compensation Scheme and certified as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.

4.2.3 It should be noted that an applicant who is 'registered blind' is now referred to as 'severely sight impaired' and proof therefore includes a Certificate of Visual Impairment (CVI) signed by a Consultant Ophthalmologist.

Eligible Subject to Further Assessment

- 4.2.4 Applications that are outside the 'automatic' DfT qualifications described above are for determination by the Local Authority within the scope of the DfT Guidance.
- 4.2.5 The current DfT eligibility criteria are a person who:
- **Drives a vehicle regularly, has a severe disability in both arms and is unable to operate or has considerable difficulty operating all or some types of parking meter.**
 - **Has been certified by an expert assessor as having an enduring and substantial disability which causes them, during a journey, to:**
 - (i) be unable to walk.**
 - (ii) experience very considerable difficulty whilst walking, which may include very considerable psychological distress; or**
 - (iii) be at risk of serious harm when walking; or pose, when walking, a risk of serious harm to any other person.**
- 4.2.6 In addition, children under the age of three may be eligible for a badge if they fall within either or both of the following descriptions:
- **A child who, on account of a condition, must always be accompanied by bulky medical equipment which cannot be carried around with the child without great difficulty.**
 - **A child who, on account of a condition, must always be kept near a motor vehicle so that, if necessary, treatment for that condition can be given in the vehicle or the child can be taken quickly in the vehicle to a place where such treatment can be given.**
- 4.2.7 The DfT has also reminded authorities that *'there is no provision in the Regulations that entitles an authority to issue a badge solely based on an applicant's age, either under the 'automatic entitlement' route or the 'eligible subject to further assessment' route. The only grounds on which a badge may be lawfully issued is if an applicant meets one or more of the criteria as set out in the Regulations.'*
- 4.2.8 Harrow's policy on the non-automatic 'eligibility subject to further assessment' criteria is set out below.

4.3 Eligible Subject To Further Assessment

- 4.3.1 This section defines the interpretation of DfT Guidance that Harrow use to reach a decision on non-automatic eligibility.
- 4.3.2 The DfT places the onus on the applicant to prove their entitlement. In considering each application, Harrow uses a comprehensive approach to determining eligibility for the transport concession, which requires applicants to provide evidence that their disabilities or medical conditions are such that they meet the eligibility policy set out.
- 4.3.3 In addition to the 'automatic' benefits-based entitlement described above, Harrow will also accept the evidence listed under each category for the purposes of determining eligibility. Some evidence is categorised as 'permanent' and will not require any subsequent assessment review but will require periodic confirmation of identity and place of residence. Other evidence may be temporary and will therefore require a periodic review.
- 4.3.4 The shaded box areas in this section are the guidance notes issued by the DfT Harrow's interpretation of that guidance for the purposes of each category is given below each shaded box.
- 4.3.5 Regulations require the use of 'expert assessors', as defined earlier in section 1.4, in the assessment of eligibility for Blue Badges under the above 'Enduring and Substantial Disability' criterion.

4.3.6 Severe Disability In Both Arms

DfT Guidance Category - Drives a vehicle regularly, has a severe disability in both arms and is unable to operate or has considerable difficulty operating all or some types of parking meter.

When making an assessment under this criterion, local authorities will need to consider whether the applicant meets all the following:

- a) regularly drives an adapted or non-adapted vehicle; and
- b) has a severe disability in both arms; and
- c) is unable to operate, or has considerable difficulty operating, all or some types of parking meter.

Only a very small number of people are likely to qualify under this criterion. In no circumstances should anyone who does not satisfy all three of the conditions set out above receive a badge. A badge should not be issued to a person who travels solely as a passenger or a person who has difficulties carrying parcels, shopping or other heavy objects, such as luggage.

Most drivers with disabilities in both arms drive an adapted vehicle and should be able to provide insurance documents which contain statements to this effect. In addition, applicants who have registered their adapted vehicle with the DVLA will be able to present their driving license which will contain codes that refer to the modifications made to the vehicle. These can be found on the reverse of a photocard driving license (under category 12, information codes) and in the 'codes' sections on the front of the counterpart driving license. The following driving license codes are relevant to this criterion:

- 40 - Adapted steering.
- 79 - Restricted to vehicles in conformity with the specifications stated in brackets.

Where the applicant does not have an adapted vehicle, only drivers with the most severe disabilities in both of their arms (i.e., who cannot operate a parking meter) should be considered eligible. This may cover disabled people with, for example: a limb reduction deficiency of both arms; bilateral upper limb amputation; muscular dystrophy; spinal cord injury; motor neuron disease; or a condition of comparable severity.

Harrow will accept the evidence listed below for the purposes of determining eligibility: -

- Evidence to demonstrate the applicant currently drives an adapted vehicle.
- Evidence of other relevant home adaptations on account of their upper limb disability.
- Medical report proving disability.

This will be categorised as permanent and will not require an assessment review.

4.3.7 Enduring And Substantial Disability

DfT Guidance Category - Has been certified by an expert assessor as having an enduring and substantial disability which causes them, during a journey, to:

(i) be unable to walk.

(ii) experience very considerable difficulty whilst walking, which may include very considerable psychological distress; or

(iii) be at risk of serious harm when walking; or pose, when walking, a risk of serious harm to any other person.

(i) be unable to walk

To qualify under this criterion, an applicant must have any enduring (lasting for at least three years) and substantial disability that means they are **unable to walk during a journey**.

Assessment procedures are for local authorities to determine, but they may wish to take account of the following:

- Being unable to walk means that they cannot take a single step.
- The applicant needs to show that, because of their enduring and substantial disability, they cannot walk during a journey.
- Walking involves always having one foot on the ground.

If the applicant's only way of getting about is to swing through two elbow crutches, then they will be considered unable to walk (provided it is due to an enduring and substantial disability and not due to a temporary impairment, such as their legs being in plaster).

(ii) experience very considerable difficulty whilst walking, which may include very considerable psychological distress.

To qualify under this criterion, an applicant must have any enduring (lasting for at least three years) and substantial disability that means they have, during a journey, **very considerable difficulty whilst walking, which may include very considerable psychological distress**.

The DfT expects that, in the context of walking disabilities that are predominantly physical in nature, very considerable difficulty whilst walking is likely to manifest through one or more of the following:

- The level of pain experienced by an individual when they are walking, or because of walking
- The degree of breathlessness they incur when, or because of, walking.
- The distance over which an individual can walk.
- The speed at which an individual can walk.
- The length of time that an individual is able to walk for.

- The way the applicant walks.
- An applicant's use of walking aids.
- The applicant's outdoor walking ability.
- Whether the effort of walking presents a danger to the applicant's life or would be likely to lead to a serious deterioration in their health.

An applicant might also meet this criterion if they experience very considerable psychological distress whilst walking as part of a journey.

The applicant has very considerable difficulty (whilst) walking, which may include very considerable psychological distress.

The applicant will need to show that, because of their enduring and substantial disability, they are unable to walk very far without experiencing severe difficulty; and that their inability to walk is affected to the extent that they would be unable to access goods and services unless allowed to park close to shops, public buildings and other facilities. Several factors may be relevant to determining this:

Excessive pain reported by the applicant whilst walking, or because of the effort of walking.

- Pain is subjective, and some people have higher pain thresholds than others. Consideration may need to be given to cross-referencing an applicant's reported experience of pain with information they provide about their enduring and substantial disability, details of medication they take, coping strategies they have adopted, and any courses of treatment designed to help them manage their pain.

Any breathlessness reported by the applicant whilst walking, or because of the effort of walking.

- The applicant's reported breathlessness may need to be cross-referenced with details of diagnosed medical conditions known to cause breathlessness (e.g., emphysema) and any observations of the applicant's respiratory rate during a mobility assessment

It does not matter whether excessive pain or breathlessness occurs at the time of walking, or later - what counts is that it is a direct result of their attempt to walk.

The **distance** an applicant can walk without excessive pain or breathlessness; taking due consideration of the environment the individual usually walks.

- If an applicant is unable to walk 30 metres (33 yards) in total, then their walking ability is not appreciable, and they can be deemed as having very considerable difficulty in walking'

contd....

- The applicant may be deemed eligible if they can walk 30-80 metres (33-87.5 yards) without pain or breathlessness, but demonstrate very considerable difficulty in walking through a combination of other factors (e.g., extremely slow pace and/or their manner of walking)
- Applicants who can walk more than 80 metres (87.5 yards) and do not demonstrate very considerable difficulty in walking through any other factors would not be deemed as eligible.

The **speed at which they can walk**. As a guide, a typical adult can walk in a minute:

- Brisk pace - >90 metres per minute
- Normal pace - 61-90 metres per minute
- Slow pace - 40-60 metres per minute
- Very slow pace - <40 metres per minute

If an applicant cannot walk 40 metres (44 yards) in a minute (a pace of less than 0.67 metres/second), including any stops to rest, then this is an extremely slow pace which is likely to make walking very difficult when considered in isolation.

If an applicant can walk 40 metres (44 yards) in less than a minute (a pace of 0.67 metres/second or more), including any stops to rest, then the speed at which they walk is not likely to make walking very difficult when considered in isolation. The applicant may still be considered eligible if they demonstrate very considerable difficulty walking through any other factors.

The **length of time** that an applicant can walk for.

- For example, if an applicant is only able to walk for less than one minute in total then walking is likely to be very difficult for them

The **way the applicant walks**.

- The applicant's posture, rhythm, coordination, balance, and stride should be considered in terms of the degree of effect they have on their ability to walk.

An applicant's use of walking aids.

- The fact that a walking aid is or is not used may be relevant to the eventual decision, but this alone should not determine whether a Blue Badge is issued.
- For example, if a person can walk relatively normally with the use of an artificial leg or walking stick, then they should not be considered as eligible to receive a Blue Badge

contd.....

- It may be pertinent to consider whether an applicant is using any walking aids in a correct manner when determining whether they have very considerable difficulty in walking.
- It may also be pertinent to consider whether an applicant who is not using any form of walking aid at the time of their application could improve their walking ability, to the extent that they would no longer demonstrate very considerable difficulty in walking, through the correct use of such an aid.

The applicant's **outdoor walking ability.**

- It is important to consider the person's ability to negotiate the types of pavements or road one would normally expect to find while walking outdoors. No pavement or road is flat therefore a degree of "incline" and "decline" should be considered in the course of a mobility assessment.
- It is not necessary for the assessment to be completed outdoors. However, it is important the assessment enables the healthcare professional conducting the mobility assessment to determine how the applicant would cope with walking outdoors based on their indoor walking ability.

Whether the applicant has very considerable psychological distress whilst walking during a journey.

It is considered good practice for Blue Badge application processes to allow for people to:

- Explain in their own words how their disability affects them whilst walking.
- Respond to closed experiential questions about how their disability affects them whilst walking.
- Identify any coping strategies they use, and how effectively these work in practice.
- Document any treatment or medication they receive to help them manage their condition.
- Identify the names and contact details of any health or social care practitioners involved in their diagnosis and ongoing treatment.
- Provide any relevant supporting evidence, for example such as: diagnosis letters, care plans, patient summaries, education health and care (EHC) plans or disability benefits.
- Explain how they experience very severe or overwhelming anxiety (e.g., through hypervigilance);
- Explain how they experience an overwhelming sense of fear of public/open/busy spaces
- Explain why they avoid some/all types of journeys due to the kinds of experiences listed above

contd.....

Whether the effort of walking presents a danger to the applicant's life or would be likely to lead to a serious deterioration in their health.

- The applicant needs to show that they should not walk very far because of the danger to their health.
- This element is intended for people with serious chest, lung or heart conditions who may be physically able to walk normal.
- The serious deterioration does not need to be permanent, but it should require medical intervention for them to recover;
- They will need to show that any danger to their health is a direct result of the effort required to walk.

Ultimately, it is a matter for each individual local authority to adopt an assessment approach that they believe complies with the legislation and that best suits their circumstances.

(iii) be at risk of serious harm when walking; or pose, when walking, a risk of serious harm to any other person.

To qualify under this criterion, an applicant must have any enduring (lasting for at least three years) and substantial disability that means they are, during a journey, at risk of serious harm, when walking, or pose, when walking, a risk of serious harm to any other person.

The DfT expects that, in the context of disabilities that are predominantly 'non-physical' in nature, a risk of serious harm to self/others could manifest as one or more of the following behaviors

- Becoming physically aggressive towards others, possibly without intent or awareness of the impact their actions may have.
- Refusing to walk altogether, dropping to the floor, or becoming a dead-weight.
- Wandering off or running away, possibly without awareness of surroundings or their associated risks (e.g., nearby roads, car park environments).
- Disobeying, ignoring and/or being unaware of clear instructions.
- Experiencing very severe or overwhelming anxiety (e.g., through hypervigilance);
- Experiencing an overwhelming sense of fear of public/open/busy spaces.
- Experiencing serious harm or causing harm to others.
- Avoiding some/all types of journeys due to the kinds of experiences listed above.

contd.....

This list is not exhaustive and local authorities will need to satisfy themselves that the risk of serious harm to self/others when walking, during a journey, is caused by an enduring and substantial disability. In this context it is recognised that some of the listed behaviors, as well as others, may be exhibited ordinarily by children who do not have any enduring or substantial disability. It is therefore important for local authorities to consider the extent of any such behaviors and/or difficulties experienced by an applicant in relation to common developmental milestones.

Local authorities will also need to be satisfied that such difficulties cannot otherwise be managed through reasonable coping strategies. For example, where an applicant would only ever be accompanied by another person and that negates 'very considerable' difficulty, a badge would not help the applicant.

In considering coping strategies, local authorities should consider whether existing strategies are being adopted and are effective (i.e., they may work, but they may require significant time to be invested on the part of the applicant), and whether a Blue Badge would be an effective 'coping strategy' in its own right. Importantly, journey avoidance should not be considered an appropriate coping strategy.

Ultimately, it is a matter for each individual local authority to adopt an assessment approach that they believe complies with the legislation and that best suits their circumstances.

The Department for Transport expect that many people applying under the 'hidden disabilities' criteria (ii) and (iii) will have had a great deal of intervention from local services and would be able to provide medical evidence to support their application. It is therefore essential that the applicant provide medical evidence to support the application, see also sections 1 and 6.

The Department for Transport suggests the following as possible sources of the medical evidence that will be required to support the application:

- Letter of diagnosis
- Confirmation of ongoing treatment, clinic attendance, or referral
- Evidence of prescribed medication relevant to the condition
- Evidence of Specialist consultations, or referral
- Education Health and Care Plan (EHCP), may provide insight into needs
- Experience and coping strategies
- Personal Independent Payment (PIP) decision letters
- Social Housing reports or assessments from Local Authority
- Care Plans from local care teams
- The applicants' patient summary, or summary care records

Please note this list is not exhaustive.

Further guidance on eligibility under this category is given in Section 6.

4.3.8 Children Under The Age Of Three

DfT Guidance Category – children under the age of three may be eligible for a badge if they fall within either or both of the following descriptions:

- **A child who, on account of a condition, must always be accompanied by bulky medical equipment which cannot be carried around with the child without great difficulty.**
- **A child who, on account of a condition, must always be kept near a motor vehicle so that, if necessary, treatment for that condition can be given in the vehicle or the child can be taken quickly in the vehicle to a place where such treatment can be given.**

Examples of children under three likely to fall into the first criterion above may be those who need to be always accompanied by any of the following types of equipment:

- i. **Ventilators** – drive air through a tube placed into the windpipe. They blow oxygen-enriched air gently into the lungs through a tube that is passed through the mouth or nose, or via a tracheostomy.
- ii. **Suction machines** – are portable suction apparatus used for aspirating fluids and vomit from the mouth and airway by sucking the material through a catheter into a bottle using a vacuum pump (piston, diaphragm, or rotary vane), bacterial filter, vacuum gauge, trap for moisture (or any debris accidentally drawn into the mechanism), a reservoir for the aspirated material, and a suction catheter or nozzle.
- iii. **Feed pumps** – deliver fluid feeds via a nasogastric tube to the child's stomach.
- iv. **Parenteral equipment** – services intravenous lines providing nutrition if a child is unable to take food or fluids through his or her mouth. The line can also be used for injecting medication.
- v. **Syringe drivers** – are used to deliver medication by intravenous injection (e.g. antibiotics), or by subcutaneous injection (e.g. insulin to control diabetes) this can be given by using a small pump known as a syringe driver. A syringe is attached to the syringe driver and the drug is released through a small needle.
- vi. **Oxygen administration equipment** – consists of a tank and regulator with supply equipment for oxygen; mask or nasal prongs and tubing.
- vii. **Continuous oxygen saturation monitoring equipment** – involves a device usually strapped to the child's foot or hand. This shines light through the skin and monitors the amount of oxygen in the blood. It is used to monitor where a child may need access to oxygen.
- viii. **Casts and associated medical equipment for the correction of hip dysplasia** – between birth to six months of age, a brace called a Pavlik harness is often used to hold the baby's hips in position. The Pavlik harness is made of canvas, with straps, Velcro, and buckles. From six months and over a child is often placed in a Spica cast after surgery. A Spica cast can be either plaster or fibreglass and will encase the child from the chest down to cover one leg or both. In both cases the apparatus is likely to be deployed for a period of up to three months per hip.

cont.....

Examples of children with highly unstable medical conditions, who need quick access to transport to hospital or home and are likely to qualify under the criterion are set out below. This group may also need to stop to perform an urgent medical procedure e.g., suction of a tracheostomy tube:

- i. children with tracheostomies.
- ii. children with severe epilepsy/fitting.
- iii. children with highly unstable diabetes.
- iv. terminally ill children who can only access brief moments of outside life and need a quick route home.

Local authorities are recommended to treat each application as a special case. This may mean deciding to see the child, although this should not be necessary if the child's paediatrician is able to write a letter outlining the child's medical condition and any special equipment they need to use. A medical assessment should not be necessary.

The lists provided above are indicative only and are not intended to be exhaustive to allow for new advances in technology and treatment equipment.

The above DfT statement is considered sufficiently detailed to require no further clarification for application within Harrow Council.

4.3 Organisational Blue Badges

4.3.1 This section defines the interpretation of DfT Guidance that Harrow Council uses to reach a decision on badges for local organisations.

4.3.2 An Organisational Blue Badge will only be issued where **the organisation is concerned with the care of disabled persons and can demonstrate that the vehicle or vehicles are to be used to carry disabled people who would themselves be eligible for a badge**. The organisation will also need to show that it has a clear need for an organisational badge rather than using the individual Blue Badges of people it is transporting. Where relatively few people meet the eligibility criteria for a badge in the organisation, the disabled people themselves will need to apply for a badge, rather than have one issued to an organisation. As such, it is unlikely that taxi or private hire operators and community transport operators would be eligible.

4.3.3 Harrow Council will require the following evidence in support of an application:

- The number of qualifying people being cared for
- The type of vehicles – a photocopy of Disabled Vehicle and Passenger (DVP) taxation class license will be required
- How often the vehicle will be used and for what purpose
- Organisation letterhead/logo will need to be provided.
- A Photocopy of vehicle logbook

4.3.4 The organisation will be required to sign a declaration that they will be using the vehicle solely for the purpose of transporting people who would themselves meet the criteria for an individual Blue Badge. The organisation will need to provide a statement of procedure for ensuring that employees are aware of Blue Badge parking regulations and penalties. This will need to include that if they use the badge to take advantage of the concessions when there are no passengers in the vehicle who are themselves eligible for a badge, they could face a fine of up to £1,000.

DfT Guidance: Organisational eligibility criteria

An organisational badge may be issued to an organisation for use in a motor vehicle or vehicles when the vehicle or vehicles are to be used to carry disabled people who would themselves be eligible for a badge as specified in Section 4(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

An 'organisation' is defined in the 2000 Regulations as meaning an organisation concerned with the care of disabled persons to which a disabled person's badge may be issued in accordance with section 21(4) of the Chronically Sick and Disabled Persons Act 1970.

Local authorities will need to check whether the organisation in question:

- Cares for and transports disabled people who would themselves meet one or more of the eligibility criteria for a individual Blue Badge; and
- Has a clear need for an organisational badge rather than using the individual Blue Badges of people it is transporting.

It is unlikely that taxi or private hire operators and community transport operators would be eligible for an organisational Blue Badge as they are not usually concerned with the care of disabled people who would meet one or more of the eligibility criteria for a badge. Such operators are, of course, able to use an individual's Blue Badge when carrying that person as a passenger.

Assessing organisational badge applications

Applications for badges from organisations caring for disabled people should be examined to ensure that they are genuine and necessary. It is for local authorities to make this judgement, based on their local knowledge of the organisation concerned. Common examples of organisations that may be eligible include residential care homes, hospices or local authority social services departments that transport groups of people who would meet the eligibility criteria for an individual Blue Badge.

When making an application, organisations could be asked to provide the same type of information required by the Driver and Vehicle Licensing Agency (DVLA) for licensing a vehicle under the Disabled Passenger Vehicle (DPV) taxation class (for exemption from Vehicle Excise Duty (VED)). To license a vehicle in the DVP taxation class, an organisation needs to make a signed declaration on the organisation's letter-headed paper. The declaration for a badge application needs to say that they are an organisation concerned with the care of disabled people (who would meet one or more of the eligibility criteria prescribed in the regulations that govern the Blue Badge scheme) and that they will be using the vehicle solely for the purpose of transporting those people. This should be signed by a Board Member or Trustee of the organisation. The model application form and the online application facility available on Gov.UK both have specific declarations for organisational applicants.

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To help determine eligibility of applications, local authorities could ask the applicant organisations:

- About the number of qualifying disabled people being cared for.
- About the type of vehicle(s) being used to carry them, whether it is adapted and how.
- Why the organisation feels they need an organisational badge rather than using individual Blue Badges of people in their care; and
- How often the badge is likely to be used and for what purpose.

Although there is nothing in the Regulations governing the scheme about the actual numbers to be 'cared for' to qualify for a badge, **where relatively few people meet the eligibility criteria for a badge in the organisation, it would be preferable for the disabled people themselves to apply for badges, rather than have one issued to an organisation.** This then allows the holder to use the badge issued to them in any vehicle in which they are travelling, as either a driver or passenger.

In all circumstances, badges must be issued to the organisation and not to individual employees. However, like other successful applicants, organisations issued with a Blue Badge should be sent a copy of DfT's leaflet 'The Blue Badge Scheme: rights and responsibilities. There is now a separate rights and responsibilities leaflet for local authorities to download, which provides information to successful organisational applicants. <http://www.dft.gov.uk/publications/blue-badge-rights-responsibilities-organisations>

All employees of the organisation who will be using the badge should also be reminded that they must only use the badge for the purposes of transporting disabled people who meet one or more of the eligibility criteria for a badge. These employees should be reminded that if they use the badge to take advantage of the concessions when there are no passengers in the vehicle who are themselves eligible for a badge, they could face a fine of up to £1,000.

5. Taxicard Policy Statement

5.1 Background

5.1.1 Taxicard is a London-wide door-to-door licensed taxi and private hire vehicle service for those with long term mobility problems, or severe sight impairment, as well as having difficulty in using mainstream public transport such as the London Underground, buses, and trains. There is no statutory requirement to provide a Taxicard scheme.

5.1.2 The scheme in Harrow currently allows members to take a maximum of 40 trips per annum. Holders of a Discretionary Disabled Person's Freedom Pass are not entitled to be members of the Taxicard scheme. The annual trip allocation is subject to review and amendment at the discretion of Harrow Council.

5.1.3 Where a Taxicard member has not taken any trips in a previous 12-month period then Harrow Council may, at its own discretion, stop membership and a new application will need to be submitted should that person wish to continue to access the scheme.

5.2 Eligibility Criteria

5.2.1 Eligibility is based on several automatic and discretionary criteria. To be eligible, applicants must have a disability that is permanent, having lasted, or expected to last, at least twelve months:

Automatic Eligibility Not Requiring Further Assessment

5.2.2 Automatic eligibility is based on: -

- Higher Rate Mobility Component of Disability Living Allowance.
- Personal Independence Payment (PIP), where the applicant has been awarded at least eight points against the PIP 'Moving around' activity.
- Registered as Severely Sight Impaired/Blind.
- War Pension Mobility Supplement.

5.2.3 Applicants will have to submit current proof of receipt of the above.

Eligibility Subject to Further Assessment

5.2.4 The current eligibility criteria is: **a person who has a serious mobility impairment as well as having difficulty in using public transport.** The impairment will be expected to be constant and cause an applicant to always walk only with excessive labour and at an extremely slow pace or with excessive pain.

5.2.5 Applications that are outside the above 'automatic' qualifications are for determination by Harrow Council. Harrow uses a comprehensive approach to determining eligibility for the transport concession, which requires applicants to provide evidence that their disabilities or medical conditions are such that they meet the eligibility policy set out. Some evidence is categorised as 'permanent' and will not require any subsequent assessment review but will require periodic confirmation of identity and place of residence. Other evidence may be temporary and will therefore require a periodic review. Guidance on eligibility under this category is given in Section 6.

6. Assessment model used to determine applications ‘subject to further assessment’

6.1 The assessment model used to determine eligibility for all applications that are defined as being *Subject to Further Assessment* is summarised below.

6.2 This model is used to determine eligibility against the following criteria

Disabled Freedom Pass	Ability to walk	Para 3.4.9
Blue Badge	Enduring and Substantial Disability	Para 4.3.7
Taxicard	Serious mobility impairment as well as having difficulty in using public transport	Para 5.2.4

6.3 The assessment methodology provides for a staged review of each application, as follows:

- Stage 1 Paper Assessment
- Stage 2 Further Information
- Stage 3 Clinical Assessment
- Stage 4 Appeal

Paper and Mobility Clinic Assessments

6.4 To be eligible, the applicant must have an enduring and substantial disability that has lasted at least 12 months or is likely to last at least 12 months or is likely to recur.

6.5 Eligibility under this category will require a specified review date, dependent upon the nature of the disability.

6.6 A review of the paper application will be carried out and consideration will be given to categories described below. **It should be noted that no single aspect within the categories described below would be sufficient to meet the criteria required to obtain a pass or permit.**

Further information

6.7 Additional information, via a letter or telephone call to either the applicant, or a healthcare professional, may be considered necessary. For those applying for a Blue Badge under the ‘hidden disability’ criteria it is essential that applicants provide evidence, as detailed further in para. 6.17.

Physical Disability

6.8 The five categories that will be considered for those applicants with a physical disability are:

1. Health and Disability

6.9 Consideration will be given to the medical condition and the potential effect this may have on mobility and the applicant's ability to carry out activities of daily living.

2. Medication Taken/Treatment

6.10 This category links directly to the medical condition and gives an indication of severity.

3. Mobility

6.11 When reviewing mobility, consideration is given to the following:

- Level of discomfort, pain, breathlessness, or fatigue experienced.
- Balance and speed of walking.
- Gait.
- Rests required and the reasons.
- Speed of recovery from breathlessness.
- Mobility aids used,
- Level of difficulty experienced ascending/descending stairs,
- Whether walking causes a risk to life.

4. Activities of Daily Living

6.12 It is expected that the disability should have a substantial effect on a person's ability to carry out normal day-to-day activities.

6.13 This information is reviewed, and consideration is given to the following:

- Assistance required around the home.
- Social Services carer or home help input.
- Occupational Therapy recommendations.
- Social activities.
- Receipt of Attendance Allowance.

5. Travel and Transport

6.14 In order to be eligible for a Disabled Person's Freedom Pass concessionary permit, the applicant needs to be able to access public transport safely.

‘Hidden Disability’

- 6.15 For those Blue Badge applicants with a ‘hidden disability’, Harrow will review the following as relevant considerations, based on the Guidance issued by the Department for Transport:
- Does the problem happen more often than not?
 - Is the applicant in more danger than another person of a similar age?
 - Are ‘reasonable’ coping strategies reducing the risk?
 - How does the applicant access goods and services at present?
 - It must be clear that there is a real benefit to the applicant being able to park near to the destination
- 6.16 Consideration is given to the following descriptors and to the frequency of any difficulties:
- Ability to communicate verbally with others during a journey
 - Hazard awareness when undertaking a journey
 - Mood and behaviour when travelling
 - Ability to travel independently
- 6.17 Research undertaken by the DfT advised Local Authorities that most applications for a Blue Badge under the ‘Hidden Disability’ criteria will be considered in the form of a Stages 1/2 ‘desktop’ assessment.
- 6.18 Applicants will therefore need to provide evidence from suitable healthcare professional(s) to support their application. The evidence must confirm the condition and how it affects the ability to make journeys. **Evidence that only confirms a diagnosis or states that the healthcare professional supports the application, but without further detail, will not be sufficient to award a Blue Badge.** The applicant is responsible for collecting the evidence required and bearing any related costs.
- 6.19 **Although healthcare professionals involved in the applicant’s care may advise if they are confident an applicant meets the criteria, the final decision will be made only by a decision maker or expert assessor independent of their care and only through the Harrow assessment model and process.** Further information on this is set out in section 1.
- 6.20 Where possible, a decision may be reached by the assessor cross-referencing Local Authority records and comparing this with medical evidence provided by the applicant, as detailed further in section 1.
- 6.21 If an applicant believes that a decision to decline an application is incorrect, they may appeal, but to appeal the applicant must provide extra evidence, in addition to that already provided, that they believe will be sufficient to overturn the decision, as detailed in para 1.9.
- 6.22 It is important to note that the ‘hidden disability’ criteria do **NOT** apply to applications for either a Disabled Person’s Freedom Pass or a Taxicard.