

**Meeting of the Full Council**  
**Meeting to be held on Thursday, 18 October 2018**

Report submitted by: Executive Director of Growth, Environment, Transport and Community Services

**Part A**

Electoral Division affected:  
None;

**Report by the Local Government and Social Care Ombudsman on the Blue Badge Service - 20 August 2018**

(Appendix 'A' refers)

Contacts for further information:

Angela Esslinger, Tel: (01772) 533950, Complaints & Appeals Manager,  
angela.esslinger@lancashire.gov.uk

Sarah Jenkins, Tel: (01772) 537401, Head of Customer Access Service,  
sarah.jenkins@lancashire.gov.uk

**Executive Summary**

Following a finding of fault causing injustice after an investigation by the Local Government and Social Care Ombudsman, Full Council is required to consider what action should be taken.

This report sets out the actions that have already been taken in response to the Ombudsman's recommendations and Full Council is asked to endorse the further actions that have been put in place in response.

**Recommendation**

That Full Council:

- (i) Notes the recommendations set out in the Local Government and Social Care Ombudsman's report at Appendix 'A'.
- (ii) Notes the actions already taken and endorses the further steps proposed in response to the report's recommendations as set out below.

**Background**

On 20 August 2018 the Local Government and Social Care Ombudsman published a public report which found fault causing injustice by Lancashire County Council. A copy of the report is attached at Appendix 'A'.

The report at paragraph 30 onwards includes recommendations as to how the County Council could best remedy the injustice caused. The actions already taken in response and further actions proposed are set out below.

**1. Apologise to the complainant for the failure to offer his son a face to face assessment and pay him £250 for the time and trouble it has put him to;**

A letter of apology was sent to the complainant by the relevant Cabinet Member on 3 September. This fully acknowledged the distress caused and accepted the findings of the Local Government and Social Care Ombudsman report. A payment has been made.

**2. Review the way it deals with applications for blue badges to ensure:**

**a. It does not discount people with variable conditions;**

The Blue Badge Team is responsible for the determination of an applicant's eligibility using the information provided on the application form. The information is entered into a matrix which is used to establish if the applicant meets the eligibility criteria for a Blue Badge in line with Department for Transport guidelines.

The matrix has now been amended to ensure all applicants who have a variable condition are immediately identified through this process. The matrix now highlights a variable condition and instructs the assessor to implement a face to face Independent Mobility Assessment. In these cases we will instruct Able2, the company which carries out the Independent Mobility Assessments on our behalf, to arrange a face to face assessment. This type of assessment will give the applicant the opportunity to discuss the frequency and severity of their condition and how this affects their ability to walk. It will also give the assessor the opportunity to observe the customer to ensure the decision they make is based on both written and visual observation.

**b. It takes account of people with hidden or non-physical conditions which affect walking ability.**

The Department for Transport guidelines are currently unclear and can cause confusion for local authorities when determining eligibility for an applicant who suffers with a hidden or non-physical disability. We were recently invited to contribute to the Draft consultation regarding changes to the eligibility criteria and have positively supported the proposed changes.

Within the proposal the Department for Transport also identified the need for clearer guidelines for authorities to enable applicants with these types of disabilities to have a clear route to a Blue Badge. The Department for Transport is currently developing new guidance which is expected to be released in 2019. In advance of this, new practice has been implemented within the Blue Badge Team which ensures that applicants who suffer non-physical conditions or hidden disabilities which affect their ability to walk will automatically be referred for a face to face Independent Mobility Assessment.

Following on from the Ombudsman report we will offer a face to face Independent Mobility Assessment in all cases where a desk based assessment result is disputed by the applicant. In addition Able2 has implemented a review process whereby any applicant who has undergone an assessment by the Mobility Assessors, and the decision is to decline, will have their application reviewed by a senior occupational therapist before the results are sent back to Lancashire County Council.

### **Advice**

It is the requirement of the Local Government Act 1974 as amended that, where there is a finding of fault causing injustice, the report is laid before the Council and, within three months of receipt of the report, the Council notifies the Local Government and Social Care Ombudsman of the action that it has taken.

### **Consultations**

N/A

### **Implications:**

This item has the following implications, as indicated:

### **Risk management**

If the Council fails to comply with the legislation, the Local Government and Social Care Ombudsman has power to require the Council to publish a statement detailing why they have not complied with the recommendations in the report.

### **Financial**

The cost of administrating Blue Badge payments is expected to increase due to a higher number of assessments going forward for a face to face assessment but the exact figures are not currently able to be determined. Should the actions not be put in place there may be further claims payable by the County Council if the Local Government and Social Care Ombudsman decides that their recommendations have not been followed.

### **List of Background Papers**

Paper	Date	Contact/Directorate/Tel
-------	------	-------------------------

None

Reason for inclusion in Part II, if appropriate

N/A