

# **Blue Badge Charging: Equality Analysis**

## **September 2015**

---

## Guidance notes

### Things to remember:

Under the Public Sector Equality Duty (PSED) public authorities are required to have due regard to the aims of the general equality duty when making decisions and when setting policies. Understanding the affect of the council's policies and practices on people with different protected characteristics is an important part of complying with the general equality duty. Under the PSED the council must ensure that:

- Decision-makers are aware of the general equality duty's requirements.
- The general equality duty is complied with before and at the time a particular policy is under consideration and when a decision is taken.
- They consciously consider the need to do the things set out in the aims of the general equality duty as an integral part of the decision-making process.
- They have sufficient information to understand the effects of the policy, or the way a function is carried out, on the aims set out in the general equality duty.
- They review policies or decisions, for example, if the make-up of service users changes, as the general equality duty is a continuing duty.
- They take responsibility for complying with the general equality duty in relation to all their relevant functions. Responsibility cannot be delegated to external organisations that are carrying out public functions on their behalf.
- They consciously consider the need to do the things set out in the aims of the general equality duty not only when a policy is developed and decided upon, but when it is being implemented.

Best practice guidance from the Equality and Human Rights Commission recommends that public bodies:

- Consider all the [protected characteristics](#) and all aims of the general equality duty (apart from in relation to marriage and civil partnership, where only the discrimination aim applies).
- Use equality analysis to inform policy as it develops to avoid unnecessary additional activity.
- Focus on the understanding the effects of a policy on equality and any actions needed as a result, not the production of a document.
- Consider how the time and effort involved should relate to the importance of the policy to equality.
- Think about steps to advance equality and good relations as well as eliminate discrimination.
- Use good evidence. Where it isn't available, take steps to gather it (where practical and proportionate).
- Use insights from engagement with employees, service users and others can help provide evidence for equality analysis.

Equality analysis should be referenced in community impact statements in Council reports. Community impact statements are a corporate requirement in all reports to the following meetings: the cabinet, individual decision makers, scrutiny, regulatory committees and community councils. Community impact statements enable decision makers to identify more easily how a decision might affect different communities in Southwark and to consider

any implications for equality and diversity.

The public will be able to view and scrutinise any equality analysis undertaken. Equality analysis should therefore be written in a clear and transparent way using plain English. Equality analysis may be published under the council's publishing of equality information, or be present with divisional/departmental/service business plans. These will be placed on the website for public view under the council's Publications Scheme.

Equality analysis should be reviewed after a sensible period of time to see if business needs have changed and/or if the effects that were expected have occurred. If not then you will need to consider amending your policy accordingly. This does not mean repeating the equality analysis, but using the experience gained through implementation to check the findings and to make any necessary adjustments.

Engagement with the community is recommended as part of the development of equality analysis. The council's Community Engagement Division and critical friend, the Forum for Equality and Human Rights in Southwark can assist with this (see section below on community engagement and [www.southwarkadvice.org.uk](http://www.southwarkadvice.org.uk)).

**Section 1: Equality analysis details**

---

<b>Proposed policy/decision/business plan to which this equality analysis relates</b>					
<b>Equality analysis author</b>	Catherine Barfield				
<b>Strategic Director:</b>	Gerri Scott				
<b>Department</b>	Housing and Community Services	<b>Division</b>	Customer Experience		
<b>Period analysis undertaken</b>	September 2015				
<b>Date of review (if applicable)</b>					
<b>Sign-off</b>		<b>Position</b>		<b>Date</b>	

---

## Section 2: Brief description of policy/decision/business plan

### 1.1 Brief description of policy/decision/business plan

#### BACKGROUND INFORMATION

Public authorities have a statutory duty to provide access to services to all parts of the community under the following Acts of Parliament:

- Equality Act 2010
- Human Rights Act 1998
- Mental Health Act 1983
- Children Act 1989
- Local Government (Access to information) Act 1985.
- 

The Disabled Persons' Parking [Blue] Badge Scheme was introduced in 1971 under Section 21 of the Chronically Sick and Disabled Persons Act 1970, to promote mobility and inclusion for the most severe disabled people in the UK and the European Union, by providing on street parking concessions to those who meet certain eligibility criteria. The Scheme was originally designed to enable badge holders to park free of charge and without time limit at parking meters and in 'pay and display' bays subject to any parking restrictions that may apply at the time. Badge holders may also park on single or double yellow lines up to a maximum period of three hours in England – again, this may be subject to restrictions. In all cases a valid badge must be displayed the right way up and the clock set at the time of arrival.

This concessionary and preferential 'on street' parking, helps to improve the quality of life for over 4500 badge holders in Southwark. The Council is fully committed to ensuring that blue badges are issued only to persons with severe, genuine and enduring mobility difficulties who satisfy the eligibility and residence criteria.

The Government is responsible for the legislation setting out the eligibility criteria for a badge, the terms of the concession itself, the period of issue, fee and design of the badge, in addition to the enforcement framework. Most badges are valid for three years, except if it is tied to the period of receipt of the higher rate mobility component of the disability living allowance (HRMCDLA) or where the badge was replaced because the original was lost/stolen. The badge is for the holder's use and benefit only, either as a passenger or as driver. The Government, through the Department for Transport (DfT), has raised the allowable badge fee from the current £2 to £10 in England and Wales (£20 in Scotland).

95% of local authorities had given an earlier indication that they would be proposing to pass on the full costs to the customer by charging the maximum £10. It has not been possible to ascertain the number of local authorities

charging the £10, but indications are that most authorities have already done so.

With the high parking fees throughout London, the cost benefit of owning a badge, far outweighs not having a badge.

**Section 3: Overview of service users and key stakeholders consulted**

<b>2. Service users and stakeholders</b>	
<b>Key users of the department or service</b>	<p>Our service users are disabled residents living in Southwark. The Blue Badge scheme allows people with severe walking difficulties who travel either as drivers or passengers to park free of charge in sign posted on-street parking bays. It also applies to registered blind people, and drivers with severe upper limb disabilities.</p> <p>During the last financial year the following number of successful applications were processed by the service:</p> <p>662 new applications 1799 renewals 108 replacements</p> <p>The majority of applications are submitted online (83.76%) – and we also provide a telephone service which accepted 16.24% of applications during the period.</p>
<b>Key stakeholders were/are involved in this policy/decision/business plan</b>	<p>Internal council stakeholders from key departments were consulted for their views on the new proposed charge and the effect this is likely to have on our clients.</p> <p>Feedback from the consultation has led to the development of a communication plan which will inform on how best to communicate the new charge to our service users.</p> <p>Information on the implementation of the charge will be displayed on the Southwark Council website, and on individual renewal letters sent to our clients.</p> <p>External consultation was also undertaken with the key service group who are most likely to be affected by the implementation of a charge</p> <p>The consultation included a telephone survey in which 93% of respondents agreed that a £10 charge was reasonable.</p>

## Section 4: Pre-implementation equality analysis

---

This section considers the potential impacts (positive and negative) on groups with 'protected characteristics', the equality information on which this analysis is based and any mitigating actions to be taken.

**Age** - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

### **Potential impacts (positive and negative) of proposed policy/decision/business plan**

The data gathered (new successful applications in the 2014/15 financial year) indicates that the majority of our users are in the 60+ age category – 62%. The next largest category is the 18-45 age category - 19%.

Those people the older age category are more likely to be economically disadvantaged and therefore this may impact on their ability to pay. However, the overall impact should be positive as the proposed charge is excellent value for money.

The telephone survey results indicate that the majority of badge holders are in favour of the charge and see the proposals for reducing fraud and misuse (which will in part be funded by the charge) as a positive step in improving the service.

### **Equality information on which above analysis is based**

Information gathered from the Carefirst system and telephone survey

### **Mitigating actions to be taken**

The implementation of the communication plan will help us to communicate the new charge to our service users.

Ongoing monitoring data on service usage against a number of protected characteristics (including age).

Instructions for Southwark staff will draw attention to the Equality Act 2010

A section will be included within the manager and staff guidance notes to draw attention to all the protected characteristics with examples.



**Disability** - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

By definition all blue badge holders are disabled, therefore 100% of our blue badge holders fall under this category in one form or another.

An essential qualification for a blue badge is that the applicant must be deemed as having a permanent and substantial disability.

The introduction of a charge could be interpreted as being discriminatory against disabled people. However, the survey results indicate that the majority of badge holders are in favour of the charge and see the proposals for reducing fraud and misuse (which will in part be funded by the charge) as a positive step in improving the service.

**Equality information on which above analysis is based**

Information gathered from the Carefirst system and the telephone survey

**Mitigating actions to be taken**

The implementation of the communication plan will help us to communicate the new charge to our service users.

Ongoing monitoring data on service usage against a number of protected characteristics (including disability).

Instructions for Southwark staff will draw attention to the Equality Act 2010

A section will be included within the manager and staff guidance notes to draw attention to all the protected characteristics with examples.

**Gender reassignment** - The process of transitioning from one gender to another.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

No information is gathered regarding people undergoing gender re-assignment and no specific impacts in implementing the charge have been identified to date.
<b>Equality information on which above analysis is based.</b>
We do not collect or monitor specific gender reassignment data for this service.
<b>Mitigating actions to be taken</b>
Instructions for Southwark staff will draw attention to the Equality Act 2010  A section will be included within the manager and staff guidance notes to draw attention to all the protected characteristics with examples.

<b>Marriage and civil partnership</b> - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. <b>(Only to be considered in respect to the need to eliminate discrimination.</b>
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
No information is gathered regarding people in marriage and civil partnerships and no specific impacts in implementing the charge have been identified to date
<b>Equality information on which above analysis is based</b>
We do not collect or monitor specific marriage and civil partnership data for this service
<b>Mitigating actions to be taken</b>
Instructions for Southwark staff will draw attention to the Equality Act 2010  A section will be included within the manager and staff guidance notes to draw attention to all the protected characteristics with examples.

<p><b>Pregnancy and maternity</b> - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.</p>
<p><b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b></p>
<p>No information is gathered regarding people who are pregnant and no specific impacts in implementing the charge have been identified to date</p>
<p><b>Equality information on which above analysis is based</b></p>
<p>We do not collect or monitor specific pregnancy and maternity data for this service</p>
<p><b>Mitigating actions to be taken</b></p>
<p>Instructions for Southwark staff will draw attention to the Equality Act 2010</p> <p>A section will be included within the manager and staff guidance notes to draw attention to all the protected characteristics with examples.</p>

<p><b>Race</b> - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.</p>
<p><b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b></p>
<p>A person's race / ethnicity plays no part in determining eligibility for a blue badge.</p> <p>It is estimated that a significant proportion of blue badges holders are from BME communities, although the statistics available are not up to date as information on race was not provided by 40% of new applicants in the last financial year. Of the remaining 60% who did provide that information, 41% are from BME communities.</p> <p>Many applicants from BME communities may be economically disadvantaged, which could in theory, negatively impact on their ability to pay. However, the</p>

<p>resulting overall impact should be positive as the proposed charge is excellent value for money.</p>
<p><b>Equality information on which above analysis is based</b></p>
<p>Information gathered from the Carefirst system</p>
<p><b>Mitigating actions to be taken</b></p>
<p>The implementation of the communication plan will help us to communicate the new charge to our service users.</p> <p>Ongoing monitoring data on service usage against a number of protected characteristics.</p> <p>Instructions for Southwark staff will draw attention to the Equality Act 2010</p> <p>A section will be included within the manager and staff guidance notes to draw attention to all the protected characteristics with examples.</p>

<p><b>Religion and belief</b> - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.</p>
<p><b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b></p>
<p>No information is gathered regarding religion and belief and no specific impacts in implementing the charge have been identified to date</p>
<p><b>Equality information on which above analysis is based</b></p>
<p>We do not currently collect or monitor religion and belief data for this service</p>
<p><b>Mitigating actions to be taken</b></p>
<p>Instructions for Southwark staff will draw attention to the Equality Act 2010</p>

A section will be included within the manager and staff guidance notes to draw attention to all the protected characteristics with examples.

**Sex** - A man or a woman.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

A person's sex (male or female) plays no part in determining eligibility for a blue badge.

**Equality information on which above analysis is based**

The information is available on the Carefirst system

**Mitigating actions to be taken**

Ongoing monitoring data on service usage against a number of protected characteristics.

Instructions for Southwark staff will draw attention to the Equality Act 2010

A section will be included within the manager and staff guidance notes to draw attention to all the protected characteristics with examples.

**Sexual orientation** - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

No information is gathered regarding sexual orientation and no specific impacts in implementing the charge have been identified to date

**Equality information on which above analysis is based**

We do not collect or monitor sexual orientation data for this service
<b>Mitigating actions to be taken</b>
Instructions for Southwark staff will draw attention to the Equality Act 2010  A section will be included within the manager and staff guidance notes to draw attention to all the protected characteristics with examples.

<b>Human Rights</b> There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
The blue badge scheme helps disabled people maintain their independence and their ability to access services. This relates to freedom from discrimination and specifically Human Rights legislation in the areas of employment, welfare benefits, immigration and housing.
<b>Information on which above analysis is based</b>
The council does not collect or monitor specific human rights data for the Blue Badge service
<b>Mitigating actions to be taken</b>
Instructions for Southwark staff will draw attention to the Equality Act 2010  A section will be included within the manager and staff guidance notes to draw attention to all the protected characteristics with examples.

**Section 5: Further actions and objectives**

<b>5. Further actions</b>			
Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis.			
<b>Number</b>	<b>Description of issue</b>	<b>Action</b>	<b>Timeframe</b>
1			
2			
3			
4			
5			
6			
7			

<b>5. Equality objectives (for business plans)</b>				
Based on the initial analysis above, please detail any equality objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.				
<b>Objective and measure</b>	<b>Lead officer</b>	<b>Current performance (baseline)</b>	<b>Targets</b>	
			<b>2014/15</b>	<b>2015/16</b>