

## **Blue Badges - Appeals Procedure**

1. The aim of this policy is to ensure that appeals are dealt with quickly, effectively and in a fair and transparent way.
2. If the applicant is refused a Blue Badge and wishes to dispute the decision they have the right to pursue an Appeal.
3. **What is an Appeal?** An appeal could be made as a result of dissatisfaction with the 'decision' to refuse a Blue Badge. For example a person can appeal if, following their application, a badge is declined and they feel not all factors have been taken into consideration. An appeal will lead to a review of the decision; clearly the outcome cannot be predicted as each appeal will be looked into according to its own merits.
4. **Background.** Regulation 8(3) of the 2000 Regulations states that where a local authority receives an application for a badge and refuses to issue one, it must let the applicant know in writing why their application was refused. It is also the case that the Local Government Ombudsman expects authorities to provide a clear explanation of the reasons why an application has been refused in the decision letter. In addition, that the appeal procedure is clearly signposted to unsuccessful applicants in their decision letter.
5. **Decision letter:- Should provide -**
  - A description of the relevant criterion against which the applicant was not adjudged to have been eligible, making reference to the fact that the eligibility criteria are set nationally by the Department for Transport.
  - Specific reference to information provided by the applicant in their application form, and where relevant during a mobility assessment with an independent mobility assessor, that shows why they do not meet eligibility criteria for receiving a Blue Badge.
  - An explanation of the local authority's procedure for dissatisfied applicants to appeal their case.

### **APPEALS PROCESS:**

6. The decision letter advising the applicant that they have been unsuccessful in their application for a Blue Badge must state the name and contact details of who they should write to if they wish to appeal against the decision. The applicant or person representing them will need to advise the Council where they need specific assistance in compiling the appeal letter.
7. The decision letter to the applicant must advise that the appeal should be made within 28 working days of the date held on the decision letter. The applicant or their representative must be advised that they will need to explain in writing why they think the decision should be reviewed. This

should include a letter or report from a medical professional i.e. hospital consultant, physiotherapist, occupational therapist. This needs to be current and relevant to the eligibility criteria.

8. The timescale for the Panel taking place is 20 working days from the day the appeal request is received.
9. **Role of the Panel.** Panel's role will be to review the decision made. In doing so the Panel will consider the relevant history and independent circumstances as described by the applicant in the written information they provide. However, it should be noted that Panel must base its Blue Badge decision on **Mobility** factors relating to the applicant.
10. Where an independent mobility assessment has already been undertaken, Panel will review the advice received from the mobility assessor as well as considering all of the written information provided by the applicant.
11. **Panel Outcomes:** Having considered all of the information presented to it – Panel may decide on one of the following outcomes.
  - (a) Uphold the appeal without further action and grant the Blue Badge.
  - (b) Request that the applicant has a mobility assessment - allowing the application to be reconsidered at that point.
  - (c) Request further information is obtained from a consultant / other professional.
  - (d) Advise that the application has on appeal been declined; that they have the right to re-apply after a period of 6 months if they feel their circumstances have changed.
12. **Review Letter stating the outcome** - The Panel must write to the applicant within 20 working days after it has considered the appeal advising them of the outcome of their review and if unsuccessful the letter must set out the reasons for the refusal.

## **APPEALS TO THE SECRETARY OF STATE**

13. The local authority (under regulation 8(2)(a)) may refuse to issue a badge where the applicant holds or has held a badge and misuse has led to a least three 'relevant convictions'. In these circumstances where the Local Authority refuses to issue a badge, a "notice of determination "is to be issued (under regulation 8 (3)) stating grounds for refusal.
14. Under regulation 9(2), the Local Authority may require the return of a badge due to misuse and after three relevant convictions, or where the authority is satisfied that the badge was obtained by false representation.
15. Where a badge has been refused on the grounds under regulations 8(2)(a) or the badge has been returned under regulation 9(2). An applicant can appeal to the Secretary of State against the decision

16. The appeal must be made within 28 days of the Local Authority decision letter.
17. If this appeal to the Secretary of State is unsuccessful an appeal can be made to a magistrate's court. This decision is final.

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