



Commissioner for **Older People**
for Northern Ireland

Consultation on changes to the Blue Badge Scheme in Northern Ireland

Department for Regional Development (DRD)

**Response submitted by the Commissioner for Older People
for Northern Ireland**

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Executive Summary

1. The Commissioner welcomes the opportunity to contribute to the public consultation on changes to the Blue Badge scheme in Northern Ireland. This consultation will affect the automatic eligibility criteria, scheme administration, blue badge fee and free parking in Northern Ireland. The Commissioner notes that, due to the proposed introduction of welfare reform, the removal of elements of 'DLA (disability living allowance)' are anticipated. These proposed changes are set to lead to the replacement of DLA and the introduction of PIPs (Personal independence payments).
2. The Commissioner is of the view that the Blue Badge Scheme must continue to support the mobility and independence of older people in Northern Ireland. The Commissioner is keen to highlight the importance of the Blue Badge Scheme as over ¹70,000 older people in Northern Ireland make a claim for this benefit.
3. The Commissioner recommends that DRD undertake proportionate impact assessments of the proposed options to show how each will affect older people in Northern Ireland.
4. The Commissioner is keen to stress that whilst the consultation document states that potential options will not affect people over 65, she has a responsibility for a wider remit than pensioners as older people are defined (in the Older People's Act 2011) as over 60 year olds.
Therefore the Commissioner would like to request more data analysis on how many 60 plus year olds avail of the scheme. This would help to shape more fully the parameters for her response.
5. Under DLA, the higher rate mobility component of disability living allowance (HRMCDLA) provides automatic eligibility. Under the new scheme, DRD state that it is not possible to ²'replicate the existing eligibility criteria'. The Commissioner is concerned that potential re assessment for older people currently on HRMCDLA could create anxiety and is therefore keen to ensure that any new assessment is communicated in a timely and measured fashion to all older people.
6. The Commissioner welcomes the broadening of the reform of the blue badge scheme which includes provision of support for people living with a mental health condition, an intellectual or cognitive impairment, a physical impairment or a combination of both. In the current system, blue badges are afforded only to older

¹ DRD data on existing DLA arrangements

² Blue Badge consultation 2013 DRD

people with mobility problems however under the new arrangements people living with illnesses like dementia will be able to benefit from the scheme.

7. The Commissioner is keen for DRD to implement a full Equality Impact Assessment to determine how the changes may affect older people in Northern Ireland.

Introduction

1. The office of the Commissioner for Older People for Northern Ireland (the Commissioner) is an independent public body established under the Commissioner for Older People Act (Northern Ireland) 2011.
2. The Commissioner has responsibility for an extensive range of general powers and duties which will provide the statutory remit for the exercise of her functions. In addition the Commissioner may provide advice or information on any matter concerning the interests of older persons.
3. The Commissioner's powers and duties are underpinned by the United Nations Principle for Older Persons (1991) (see appendix A). The wide ranging legal powers and duties includes amongst others:
 - To keep under review the adequacy and effectiveness of law and practice relating to the interests of older people
 - To keep under review the adequacy and effectiveness of services provided for older persons by relevant authorities
 - To promote the provision of opportunities for and the elimination of discrimination against older persons
 - To review advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities
 - To assist with complaints to relevant authorities
 - The investigation of complaints against relevant authorities
 - The power to bring, intervene in or assist in legal proceedings
 - The conciliation of disputes
 - Formal investigations, evidence in formal investigations
 - Powers of entry and inspection for purposes of formal investigation
4. The Commissioner welcomes the opportunity to respond to the Department for Rural Development's (DRD's) document entitled 'Blue Badge Scheme in Northern Ireland.'
5. DRD has outlined a number of questions to which they would particularly welcome views. The Commissioner offers a limited response to these issues in seeking to confine her response within her core area of responsibility.

Background

6. The Commissioner acknowledges that the current provisions of DLA are expected to be abolished. The Commissioner is keen to help the shaping of a new arrangement for PIPs which will continue to provide much needed benefits for older people and ensure that the most vulnerable in Northern Ireland are protected.
7. 'Evidence shows that pensioners are statistically one of the groups most likely to experience poverty and disadvantage.'³ Therefore, support (in the form of the Blue Badge Scheme) improves mobility and independence of older people through enabling free or reduced cost parking in designated areas.
8. Population projections have indicated that the number of people aged 85 years and over is likely to increase by 83% by 2025⁴ and ⁵ may further increase pressure on support measures like Blue Badge. Therefore it is important that any new arrangement is sustainable and fair for all older people.
9. Older people represent the biggest group of claimants for Blue Badge. Over 70,000 of these claims were received by people over 64 years old. It is therefore imperative that older people continue to have access to service provision through the Blue Badge Scheme
10. The issue of welfare reform is particularly pertinent to the purpose of the Commissioner's work in safeguarding and promoting the interests of older people in Northern Ireland and upholding the UN principles for older people.

Key Issues

Maintaining independence, mobility and choice

11. The new arrangements for Blue Badge must continue to assist the independence and mobility for older people in Northern Ireland. One of the key themes within Welfare reform is to ⁶'protect the vulnerable'. This can only be achieved through a system which is accessible, easy to understand, practical and based on Equality and Human Rights.
12. The Commissioner believes that retaining the link between PIP and Blue Badge eligibility will be a positive move for older people in Northern Ireland. The Commissioner is keen for the link to remain as continuity is key for many older people currently in receipt of Blue Badge benefits.

³ Provision of discretionary support-Policy Screening-DSD

⁴ NISRA (2011). Statistical report – 2010 based Population Projections. NISRA: UK

⁵ DHSSPS (2010) Dementia Strategy. DHSSPS:Belfast

⁶ Welfare reform-Universal Credit

13. The Commissioner is keen to stress that any changes to Blue Badge eligibility criteria should reflect the most current social model of disability. The Commissioner welcomes the additional criteria for the receipt of a blue badge which includes provision of support for people living with a mental health condition, an intellectual or cognitive impairment, a physical impairment or a combination of both.

Options

14. The Commissioner requests that DSD provide proportionate impact assessments for each of the options as outlined in the document. The Commissioner would like further clarification on how each potential option will impact positively or negatively on older people in Northern Ireland. Whilst it is clear that over 70,000 people over 64 availed of a Blue Badge in the last three years the data for 60 and over is grouped in with people of age 18 and over. To truly identify the effect on older people the commissioner is keen for DRD to provide a more comprehensive analysis of data which would provide a holistic assessment of the effect on older people.

In response to the consultation options, the Commissioner declines to choose any one of the options but will add comment within her area of expertise. The Commissioner welcomes the broadening of potential Blue Badge applicants through provision of benefits for people living with a mental health condition, an intellectual or cognitive impairment, a physical impairment or a combination of both. This will be particularly welcome for sufferers of dementia and other relevant mental illnesses. It is estimated that at present in Northern Ireland there are 19,000 people living with dementia; fewer than 1000 of these people are under 65. As the population of Northern Ireland ages, dementia will increasingly be a major public health and societal issue, with numbers of people with dementia rising to 23,000 by 2017 and around 60,000 by 2051.⁷ Therefore any measure which protects the most vulnerable in society must be welcomed.

Transition

15. The Commissioner would like to request further information about the transition process from DLA to PIPs and how this may affect older people over the age of 60. The Commissioner is concerned about the prospect that an older person over 60 may be faced with expiry of their badge and then face a wait to be reassessed and re awarded. This could create anxiety and the Commissioner would like DRD to communicate how they intend to ensure the independence and mobility of older people are not out damaged as a result of the transition process.
16. The Commissioner is keen to ensure that all new forms of application for older people can be made in a way which suits their means. The Commissioner wants to

⁷ <http://www.dhsspsni.gov.uk/improving-dementia-services-in-northern-ireland-a-regional-strategy-november-2011.pdf>

ensure that other means of application other than digital application are available for older people who may not have access to a computer in their home.

Communication

17. The Commissioner encourages DRD to communicate effectively to older people who, at the date of 8th April 2014 are aged under 65 and will have to reapply for a Blue Badge. The Commissioner wishes to see clarification on how older people have been consulted with and communicated to so that when the date comes, people are sufficiently placed to deal with any changes.

18. The Commissioner is of the view that any proposals for Blue Badge should ensure the full participation of those people who are most likely to be affected by proposed changes.

Equality and Human Rights

19. The Commissioner is of the view that any proposals for Blue Badge should be subject to a full Equality Impact Assessment and should consider the degree to which proposals meet the requirements of national and international equality and human rights legislation including the European Convention on Human Rights, the United Nations Principles for Older People and the United Nations Convention on the Rights of People with Disabilities.

Monitoring and evaluation

20. Any proposed changes to current provisions in Northern Ireland will require the collection of baseline data and future monitoring of the impact of change. Given the diversity amongst older people, there is a need for adequate disaggregated data on older people to measure the potential impact of all options as set out in the consultation document. The Commissioner is of the view that DRD should review its data processes to ensure that the data available is capable of disaggregation at an appropriate level to ensure appropriate monitoring of the impact of the provision of Discretionary Support on equality grounds, as set out in Section 75 of the Northern Ireland Act 1998.

Conclusion

21. The principal aim of the Commissioner, as set out in legislation, is to “safeguard and promote the interests of older people”⁸. Given her roles and responsibilities, the Commissioner will retain an interest in the development of proposals for the Blue Badge scheme and is keen to see the implementation of proposals which continue to protect the most vulnerable in society.

⁸ <http://www.legislation.gov.uk/nia/2011/1/contents>

22. The Commissioner welcomes the implementation of a new system which reflects new definitions of disability within mobility and mental health and wellbeing.

23. The Commissioner believes that existing claimants of HRMCDLA should continue automatically in receipt of the Blue Badge. This will avoid a situation where over 65's will be reassessed and potentially put through the unnecessary stress of multiple assessment processes.

24. Finally, the Commissioner would be grateful if the Department for Regional Development would include her in its consultation list for all further consultations. All future consultations should be sent to:

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