

	<p>POLICY AND RESOURCES COMMITTEE</p> <p>27 JUNE 2017</p>
<p style="text-align: right;">Title</p>	<p>Disabled Persons Freedom Pass Review</p>
<p style="text-align: right;">Report of</p>	<p>Commissioning Director, Environment</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix A – Equalities Impact Assessment</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
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Summary

This report summarises the progress of phase two of the review into the Disabled Persons Freedom Passes assessment process and criteria which were approved by Policy and Resources Committee on the 1 December 2016.

Recommendations

That the Policy and Resources Committee:

- Considers and the results of the progress made on the Disabled Persons Freedom Pass**

1. WHY THIS REPORT IS NEEDED

- 1.1 In December 2016, Policy and Resources Committee approved the revised criteria for Disabled Persons Freedom Passes and agreed to additional process improvements which are detailed in section 2 of this report. Members requested that officers bring back a report to outline progress against the various actions that were outlined within the report.
- 1.2 During Phase 1, the Council carried out a full consultation on the introduction of revised criteria for the eligibility for disabled persons Freedom Pass. The consultation was open to all, but specifically communicated to those currently using the concessionary Freedom Pass Scheme and representative bodies including 3rd Sector organisations.
- 1.3 The consultation showed that 53% of people were in favour of the Council's proposals for providing supporting evidence for Disabled Persons Freedom Passes Applications
- 1.4 34% per cent of residents felt that the proposed changes would have a positive impact whilst 42% stated that it would have no impact/not applicable.
- 1.5 The Council's vision for its Disabled Persons Freedom Pass application and renewals process is for an exemplary high quality process that provides the best user experience possible for our residents. In order to achieve this, the Council consulted with third sector organisations, service users and subject matter specialists in service developments or proposed changes that could have an impact on any service user.
- 1.6 The new process encompasses assessment of eligibility criteria that conform to the s240 of the Greater London Authority Act (as amended), Department for Transport Guidance and promotes the Care Act 2014.

Process improvements

- 2.1 Data Cleansing** – Each time a person becomes entitled to an older persons freedom pass, their concession will be switched over automatically. They will keep the disabled pass until it is due to expire. An extensive plan of data cleansing has also been identified and is being put into place. This includes the use of the DWP Tell us once facility, regular National Fraud Initiative checks run by London Councils and internal residency checks to prevent and detect fraud.
- 2.2 Data Transfer** - The transfer from Disabled Persons Freedom Pass to an Older Persons Freedom Pass has now commenced. This means that once an individual is transferred, there will not be a need for any further

renewals as the Older Persons Freedom Pass remains with an individual for life.

2.3 Website information and functionality – The web pages have been re-written to be clearer and simpler, updated information and a new application form are due to be completed by the end of August 2017.

2.4 Application Forms – The application form and guidance notes have been designed and approved. These will be in circulation by the end of August 2017.

2.5

2.6 Communication Templates – Templates have been created that are suitable for use by the applicant and written in 'Plain English'

2.7 Accessibility – Whilst the process fully supports the Customer Access Strategy, it is acknowledged that vulnerable persons may need assistance in completing their application. In such cases, the Customer Support Group will provide the necessary support via the Customer Advocacy Service. In addition, information has been added to the application form and web pages in order to assist customers with the application process.

2.8 Diversity – The Council recognises that the borough has a diverse population and as such will endeavour to assist applicants where English is not their first language by providing support in their preferred language if appropriate.

2.9 Telephone Communication – Whilst the use of Interactive Voice Recognition messages will continue, where a resident needs additional support, personal telephone assistance will be given.

2.10 Appeals Process – The Council has introduced a one – step appeal which is being carried out by a London Borough of Barnet Officer removed from direct line management of the original decision taker. In addition, it is anticipated that the new refusal letter will reduce the amount of appeals made as the outcome will be clearer than before.

2.11 Automatic renewals – The Council proposes to introduce eligibility review checks to coincide with award expiry dates, to ensure that the individual is entitled to the pass. The pass holder will be required to submit a further award letter in order to have continuing eligibility for the pass. Where an individual has a disability which is considered as permanent the Council accepts that renewals will be carried out automatically providing:

- The individual is still residing within the Borough
- The individual can provide evidence/or a remote Council Tax check can take place
- **Desk based assessments** – Whilst It was proposed that the Council continues with desk based assessments, following advice given from

Lewisham's Subject Matter Specialist, the process will be carried out by the independent occupational therapist already employed to undertake this role. One assessment will take place to determine entitlement to both a Freedom Pass and Blue Badge irrespective of what has been applied for. This will ensure consistent decision making is taking place across both concessions. Data is cleansed regularly and the process will provide a value for money solution should the applicant apply for the second concession after the assessment.

3 POST DECISION IMPLEMENTATION

Once all process improvements have been embedded within the service, the Council feels it prudent to introduce Key Performance Indicators to measure performance and outputs.

4 IMPLICATIONS OF DECISION

4.1 Corporate Priorities and Performance

4.1.1 The review into Disabled Person's Freedom Passes supports the Council's following organisational values:

- **Fairness:** By providing a fully accessible, transparent and straight forward application process supported by consistent criteria which align with the Department for Transport Guidance, the Care Act 2014 and the s240 of the Greater London Authority Act (as amended).
- **Responsibility:** By recognising that the Local Authority has a responsibility to provide a robust process for the application and renewal of Freedom Pass based on eligibility.
- **Opportunity:** By providing choice and independence to people with disabilities and enabling them to access services, education and employment via assisted travel support.

4.1.2 Disabled Person's Freedom Pass Review will also assist the Health and Wellbeing Strategy by supporting those with disabilities to live independently wherever possible.

4.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

4.2.1 Regular monitoring of the budget and reporting will be in place for all stakeholders ensuring that the residents are receiving 'Value for Money'.

4.2.2 Disabled Persons Freedom Passes does not form a budget saving in line with

the Medium Term Financial Savings.

4.2.3 It must be noted that the Disabled Persons Freedom Passes review continues to embed best practice to meet resident's expectations and not to reduce costs. It is recognised that the new process may result in increased costs for the Council. The Council recognises this and this is addressed in the risk mitigation section of this report.

4.2.4 The Council will continue to utilise the subject matter specialist from Lewisham for a further 26 weeks, which will generate a cost of £15,000 funded from the Parking Reserve.

4.2.5 Social Value

4.2.6 The updates outlined in this report seek to assure all stakeholders that the revised criteria continue to achieve the Council's vision to allow full access for disabled persons to apply for a Disabled Persons Freedom Pass ensuring that the criteria are fair, accessible and conforms to the s240 of the Greater London Authority Act (as amended), Department for Transport Guidance and promotes the Care Act 2014. The vision for Barnet is to allow disabled persons to access the service at ease and, where assistance is required, this is always available ensuring residents are treated with respect, dignity and fairness.

4.3 Legal and Constitutional References

4.3.1 Section 240 of the Greater London Authority Act 1999 as amended by section 151 the Transport Act 2000 provides the statutory basis for travel concessions on journeys in and around Greater London.

4.3.2 The Concessionary Bus Travel Act 2007 ('the 2007 Act') provides for a statutory guarantee of free off-peak travel for eligible older and disabled people on local bus services anywhere in England ('the national concession'). Provisions in the 2007 Act have been commenced to enable the national concession to begin on 1 April 2008.

4.3.3 The 2007 Act modifies existing legislation which guarantees free off-peak local bus travel in England only within the area of the local authority in which an eligible person resides. The grant of concessions is governed outside Greater London by sections 145 to 150 of the Transport Act 2000 ('the 2000 Act') and within London by sections 240 to 244 of, and Schedule 16 to, the Greater London Authority Act 1999 ('the 1999 Act').

4.3.4 [Annex A to the Responsibility for Functions](#) (Council Constitution) sets out the terms of reference of the Policy and Resources Committee and states that 'if any report comes with the remit of more than one committee, to avoid the report being discussed at several committees the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee'. In this case the report recommendations cut across the

Environment Committee which has specific responsibility for transport and the Adults and Safeguarding Committee, which is responsible for promoting the best possible adult social care services.

4.3.5 The implementation of the revised Disabled Persons Freedom Pass eligibility criteria are significant in terms of its effects on communities living or working in all wards.

4.4 Risk Management

4.4.1 The main risks associated with Phase II of Disabled Person's Freedom Pass Review are as follows:

- Improvement of eligibility criteria and method of assessment may lead to dissatisfaction of some existing pass holders who may no longer be eligible. This risk will be mitigated by the new process being more closely aligned with the Department for Transport (DfT) Guidance for assessment meaning transparent and justifiable eligibility criteria to determine entitlement which applies to all residents. Where there is a need to withdraw a Disabled Persons Freedom Pass, the pass holder will be contacted 3 months in advance of cessation and will have the opportunity to submit an appeal.
- It has been identified that the new criteria have removed Mental Health which has been incorporated within category g 'Would, if he/she applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have his application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol'. This could entail that an individual who obtained a Disabled Person Freedom Pass historically under mental health may no longer be eligible under the new criteria.
- Withdrawal of temporarily issued passes when the new criteria are implemented. There is a risk that some residents who have had their Disabled Persons Freedom Passes temporarily reactivated will subsequently not meet the new eligibility criteria and will therefore have their Disabled Persons Freedom Passes deactivated. This risk will be mitigated by affected residents receiving appropriate and timely communication and support.

4.5 Equalities and Diversity

The applications and renewal process and the eligibility criteria have been subject to a full equalities impact assessment which confirms that the change process will have a negative impact/impact not known.

4.5.1 The change to the eligibility criteria may impact 376 pass holders who have obtained Disabled Person Freedom Passes under the current criteria of Mental Health. Under the new criteria, those who may no longer be eligible under the new draft criteria will be allowed to retain their pass until the

renewal date in 2020. There is a risk that these individuals may not be eligible under the new draft criteria.

4.5.2 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups

4.5.3 The relevant protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

4.5.4 The broad purpose of this duty is to integrate considerations of equality into day business and keep them under review in decision making, the design of policies and the delivery of services

4.5.5 Freedom Passes are one way of supporting people with disabilities to maintain a level of independence and therefore it is important to ensure that the eligibility criteria and the process of assessment allows everyone who is eligible to apply and receive a pass.

4.5.6 The Council and our delivery partner, Customer Support Group (CSG), continue to recognise responsibility to make changes to the Freedom Pass applications and renewal process so that all applicants will receive equal treatment. It is recognised that applicants may require reasonable adjustments to be made to the process which take account of their specific disabilities under the 2010 Equality Act.

4.5.7 The process will therefore offer a choice of contact methods:

Web

Applicants will have access to the Barnet website and London Councils for help and assistance

Telephone

Applicants will be offered support via the telephone Monday-Thursday between the hours of 9am - 5.15pm and Friday 9am - 5pm.

Face-to-face

In the case where an individual needs face-to-face support, this will be provided at Barnet House and Burnt Oak Library.

Email

Applicants have the option to email for support.

Communication

Alternative formats of documents will be available upon request including 'Easy Read' and 'Large Format'

4.5.8 We are satisfied that the development of the process will be accessible to all residents taking into account their particular circumstances and disabilities. All communication materials will be available in a variety of accessible formats to take account of applicants' specific needs and presented in a manner that is easy for them and their carers/advocates to access and understand.

4.5.9 The change to the eligibility criteria may impact 376 pass holders who have obtained Disabled Person Freedom Passes under the current criteria of Mental Health. It is proposed that those who may no longer be eligible under the new draft criteria are allowed to retain their pass until the renewal date in 2020. This cohort of pass holders will be given 12 months notification that they will be required to renew their pass under the new criteria. There is a risk that these individuals may not be eligible under the new criteria.

4.6 Consultation and Engagement

4.6.1 A consultation was carried out from 26 September to 4 November 2016 to which findings were reported back to Committee on the 2 December 2016.

4.6.2 The method of consultation involved an online questionnaire, paper questionnaire available in alternative formats and a consultation document for additional information on the proposals and background information. Drop-in sessions were also available at six libraries during September, October and November.

4.7 Insight

5.8.1 Insight on the needs of resident groups has been utilised to form the revised criteria and the areas in which the process needs to be improved.

5 BACKGROUND PAPERS

Policy & Resource Committee Report dated 1 September 2016

<https://barnet.moderngov.co.uk/documents/s34156/Report.pdf>

Policy & Resource Committee Report dated 1 December 2016

<https://barnet.moderngov.co.uk/documents/s36310/Disabled%20Persons%20Freedom%20Pass%20Review.pdf>

Section 240 Greater London Authority Act:

<http://www.legislation.gov.uk/ukpga/1999/29/section/240>

Department for Transport Guidance

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181507/eligibility-review.pdf

