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**Meeting of the Adult Social Care Committee - 5<sup>th</sup> March 2025**

**Report of the Interim Director of Adult Social Care**

**Blue Badge Fraud**

**Purpose of report**

1. To provide Select Committee with an update on;
  - The process of blue badge application
  - Fraudulent usage data and trends
  - Enforcement – methodology and impact of the service

**Recommendations**

2. It is recommended that Members : -
  - Scrutinise and comment on the progress of the Blue Badge Service and Enforcement

**Background**

3. Currently there are 21,840 valid blue badges issued by Dudley MBC.
4. At the time of writing this report the current number of new applications waiting assessment under the walked criterion was 218 with the longest application waiting 66 days. The number of applications under the hidden conditions' criterion awaiting assessment is 16 with the longest application waiting 20 days. There remains no waiting list for applicants who are eligible without further assessment.
5. Following the Department for Transport 2011 Blue Badge reforms, the statutory responsibility for assessment and administration of the Blue Badge Scheme was transferred to Local Authorities.

**Digital Transformation 2019**

6. Channel Shift to Digital: making it easier for the customer and decreasing processing times for the Council, most applications are now received online. We have also introduced a telephone interview for applicants who are not able to apply online.
7. Decreased Waiting Times and No Backlog: from an initial wait of twelve weeks, the transformation of the process means it is now possible to order the badge the day the application is received, where applicants meet the automatic criteria and have supplied all necessary information and made payment. Average waiting times for non-automatic applicants are also decreasing.
8. Reduction in Appointments: with most assessments conducted remotely with face-to-face appointments only occurring when appropriate, saving applicants and the Council time.
9. Numerous Processing Efficiencies: including the removal of dual keying and inputting of paper applications; introduction of standard letter templates; using email instead of post as communication method where possible and corporate remote printing.
10. Transfer of First Line Contact and Processing to Dudley Council Plus (DCP): providing resilience with staff cover and the ability to assist any external members of the public arriving at reception with general Council enquiries, rather than signposting them on.
11. Fit for Purpose IT: giving us the tools to enable the transformation of the process, we have implemented five brand new systems to the Council's IT structure including the new national online form and Manage Blue Badge system; Gov Pay; Gov Notify; NEC Blue Badge Case Management System and APS Hybrid Mail. Dudley was in the first 10% of Councils nationally to implement and achieve the benefits of prepayment through Gov Pay.

External Provider for managing new walked applications.

12. In December 2021 Adult Social Care Leadership Team approved the use of a third-party provider to support the increased demand for blue badges and improve responsiveness for applicants. NEC Software Solutions were appointed to manage the end-to-end process for new walked applications when required, ensuring the service to blue badge applicants is consistent with minimal delays for applicants under the walked criterion.

## Non-Visible (hidden) Conditions

13. On the 30th August 2019 the Government extended the Blue Badge criteria to include people who have non-visible (hidden) conditions, making journeys more accessible for them. This is the biggest change to the scheme in 50 years.
14. An applicant will be automatically eligible under the new criteria if, in their Personal Independence Payment (PIP) mobility assessment, score 10 points in Descriptor E – “planning and following a journey”. This must specifically be 10 points, which states: “Cannot undertake any journey because it would cause overwhelming psychological distress to the claimant.”
15. For non-automatic applications, applicants are required to supply evidence of their condition from a professional treating them.

## Enforcement background

16. In January 2020, a report was discussed at the Health and Adult Social Care Scrutiny Committee regarding the Blue Badge Scheme and support was gained to progress the Blue Badge Fraud Initiative (BBFI). The initiative was delayed due to the Covid 19 Pandemic. The BBFI partnership pilot scheme commenced in November 2020, a community interest company, collaborating with Local Authorities to tackle Blue Badge Fraud. In May 2023 BBFI were awarded a three-year contract.
17. BBFI public sector investigations is made up of a team of highly skilled ex-police and those with detailed knowledge of the law. Specialising in Blue Badge misuse the BBFI team understand how to investigate, collect, and present evidence to resolve disputes by mediation or litigation. BBFI is a not-for-profit organisation helping disabled people access parking and Local Authorities to combat fraud.

## Enforcement- methodology

18. As part of the process of reducing misuse and identifying fraud BBFI collect data on blue badges used in Dudley Metropolitan Borough Council and profile the badge use, times/ days/ weekends/ location. BBFI will analyse badges to find out if the person to whom the badge was issued is infirm/ in a home, deceased or lives in the local area. If BBFI are discovering patterns of abuse or find lost or stolen badges, BBFI build a case and take remedial action. BBFI make efforts to reduce the abuse of the privileges allowed to disabled people. BBFI address the use of lost and stolen badges and

conduct investigations to identify people using badges where the disabled person is in a different location.

19. BBFI prepare cases for prosecution, hand the cases which will contain a 'referral for criminal prosecution,' 'cost schedule,' 'exhibits' and 'witness statements' as required by the case to the Council lead officer in accordance with the Prosecution Policy.
20. BBFI report on the progress of all current prosecutions and produce a summary of work undertaken in the preceding month.
21. Primarily, BBFI investigate five types of offences:
  - Misuse of a parking card for people with disabilities,
  - Use of a fake badge
  - Use of a stolen badge
  - Manufacture of a fake badge
  - Failure to provide a badge for inspection

#### Fraudulent usage- data/trends

22. BBFI end of year report 2023/24 indicates that 95% badges seized are for general misuse, as in family members/friends using a disabled badge without them being present. The misuse of deceased badges accounts for 1% of those seized. Further information regarding fraudulent usage and trends is available in the Dudley BBFI end of year report 2023/24. (Appendix 1- BBFI end of year report 2023/24).
23. In Appendix 1, page 4 "Seized by Issuing Authority Apr23–Mar24", you can see from the chart 69% of the badges seized are issued by Dudley. The next closest at 15% are those issued by the neighboring borough of Sandwell, with the rest being made up of Wolverhampton, Birmingham, Staffordshire badges.
24. The highest profile of which was the fraudulent misuse of a cancelled badge being used by a Sandwell council employee. The magistrates imposed a total fine of £754 and a conviction for fraud she also lost her job with the council. Dudley issued the following press release (Appendix 2)

<https://www.expressandstar.com/news/local-hubs/dudley/2022/11/22/mother-prosecuted-after-being-caught-parking-in-disabled-space-without-valid-blue-badge-in-dudley/>

25. Dudley participated in the National Blue Badge Day of Action in May 2024 to target enforcement of the blue badge scheme. The collaboration of BBFI, Parking Enforcement and Dudley MBC fraud officers proved successful, resulting in forty-five badges being inspected and two badges seized for misuse. The National statistics report that a total of 201,610 vehicles were inspected according to data taken from 125 Councils.
26. Below are detailed results from the 2024 National event, alongside data from previous years. The growth and impact of the initiative is truly inspiring.

	2022	2023	2024*
Councils Involved	30	82	142
Deployed	141	340	492
Vehicles Inspected	18341	45699	201,610
Badges Inspected	1899	5145	10,040
Offences Detected	122	227	423
Badges Seized	61	92	182
PCNs Issued	122	196	394
Vehicles Removed	24	33	29
*Data from 125 Councils			

27. The National Fraud Initiative (NFI) data matching exercise undertaken by the Blue Badge Team in April 2023 identified 374 data matches which led the team to cancel all 374 badges. Given the Government notional savings of £650 per badge it is estimated that the council saved £243,100 in the undertaking of this exercise. The NFI exercise occurs every two years, the team are currently commencing the 2025 data matching exercise.
28. National statistics estimate that approximately 20% of blue badges issued are misused. Therefore, of the 21,840 blue badges issued by Dudley Council, the estimate suggests that 4,368 will be misused in some way.
29. Commencing in 2020, officers responsible for operating the Blue Badge Scheme in conjunction with the Corporate Fraud Manager commenced a borough wide exercise to identify and bring to justice blue badge abuse.
30. The Corporate Fraud Manager has provided support and advice in the development of the council's approach, policy making and the deployment of the enforcement scheme.

31. Initially, Blue Badge enforcement was concentrated on known hotspot areas within Dudley Town Centre. This enabled enforcement officers to develop a consistent approach. As the process has now been embedded, further townships are being patrolled to identify wider abuse across the Dudley borough.
32. Unfortunately, Blue Badge misuse directly affects legitimate badge holders. It is reassuring to hear that enforcement officers have been praised and received positive feedback about their work and the rollout of the council's Blue Badge enforcement scheme.
33. The table below details the number of on-going cases and results to date, as well as a comparison to the previous year. Prosecutions by the council's legal team are usually undertaken using the fast-track Single Justice Procedure, and it is important to note that the council has a 100% prosecution success rate in this area. The figures below do not include the numerous educational conversations given by enforcement officers to members of the public when out on patrol.

<b>Blue Badge Enforcement</b>	<b>2024</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>
Badges seized resulting in the following:	66	64	60	56
Successful prosecutions	22	45	50	29
Outstanding prosecutions with Legal	34	35	20	14
Prosecution referrals to be completed	5	4	0	9
Warning letters issued	7	11	10	3
No further action	1	3	1	1

### Enforcement impact

34. The Blue Badge Scheme is an asset to millions, but it must be used correctly, it is a criminal offence under the Road Traffic Act to misuse a blue badge. It is estimated that 1 in 5 badges are being used by someone other than the badge holder.
35. Blue badge enforcement means that the disabled community, with a legitimate blue badge will be able to park where they need to, which will reduce isolation and the frustration of not being able to do simple tasks like shopping and meeting friends in the community.
36. Providing stronger and safer communities, promoting independence, and keeping people well.

37. Improving confidence in the borough of Dudley, that Dudley MBC is actively supporting people to access the community.
38. Robust, ongoing administration and enforcement processes can help counter more systematic abuse of the Blue Badge scheme, with both issuing authorities and on street parking enforcement teams having a role to play in ensuring that the scheme's rules are observed.

## **Finance**

39. The penalty for misuse of a blue badge, on conviction in a Magistrates' Court is a fine of up to £1,000. In most cases the prosecuting Local Authority is also awarded costs.
40. The annual spend for the partnership agreement with BBFI was £16,872.50 for 2023/24. Spend is assumed at the same value for 2024/25. The contractor has not applied any inflation uplifts for 23/24 or 24/25.
41. The resource is funded from the Blue Badge staffing budget and awarded court costs. There is sufficient budget ringfenced for this for 24/25 and 25/26 using 0.5FTE Assistant Care Co-ordinator vacancy.
42. Court costs awarded to Dudley MBC for 23/24 were £5,738, split 50/50 between Legal Services and Adult Social Care. Fines and FVS of £9,826 were retained by the court. For 2024/25, year to date, total costs of £3,415 have been agreed to be returned to DMBC with £9,360 Fines and FVS retained by the court.

## **Law**

43. Blue Badge assessment and administration is a statutory responsibility under the Chronically Sick and Disabled Persons Act 1970 and Regulations made under section 21 of this Act.
44. The improper use of a Blue Badge is an offence under both s21(4B) of the Chronically Sick and Disabled Persons Act 1970 and sections 115 and 117 of the Road Traffic Regulation Act 1984. Fraudulent misuse is an offence under the Fraud Act 2006.

## **Risk Management**

45. There are no issues arising from this report in relation to risk management.

### **Equality Impact**

46. Enforcement of blue badges enables disabled people of all protected characteristics to have access the community and has a positive impact for equality.

47. Equality Impact Assessment conducted in 2019 in relation to Digital Transformation of the Blue Badge Scheme. (Appendix 3).

48. Initial Equality Impact Assessment conducted in February 2025 to include Blue Badge Enforcement. (Appendix 4).

49. Consultation with children and young people not applicable.

### **Human Resources/Organisational Development**

50. There are no direct Human Resources/Organisational Development implications arising from this report.

### **Commercial/Procurement**

51. BBFI is a unique provider that specialises in public sector investigations. Due to the expertise of this organisation market opportunity is limited if not non-existence for this provision type.

### **Environment / Climate Change**

52. There are no implications arising from this report in relation to environment or climate change.

### **Council Plan**

53. The Blue Badge scheme provides a range of parking benefits for disabled people who have difficulty walking. It aides the delivery of the Council Plan priority for the borough of opportunity by allowing our most vulnerable to access the services they need to live independently. The continual review of the service provision supports the Process theme of the Future Council Programme by ensuring we have the right processes, procedures and governance when applying policy on applications. The enforcement activity

underpins good governance and ensures the service provides a value for money service.

*E. Matthews.*

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**Appendices**

- Appendix 1: Dudley BBFI end of year report 2023/24
- Appendix 2: Dudley press release <https://www.expressandstar.com/news/local-hubs/dudley/2022/11/22/mother-prosecuted-after-being-caught-parking-in-disabled-space-without-valid-blue-badge-in-dudley/>
- Appendix 3: Equality Impact Assessment 2019
- Appendix 4: Initial Equality Impact Assessment 2025

**List of Background Documents**