

## SPSO decision report



**Case:** 201805314, Aberdeenshire Council  
**Sector:** Local Government  
**Subject:** aids for the disabled (inc blue badges) / chronically sick & disabled acts 1970/72  
**Decision:** upheld, recommendations

### Summary

C complained that the council did not reasonably assess their application for a Blue Badge (a badge issued to disabled drivers for display on their windscreens, indicating entitlement to specific parking privileges). C applied for a Blue Badge as they suffer from fibromyalgia, amongst other conditions, but noted that due to the variable nature of their condition, it was difficult to answer the questions in the council's application form and considered that they should have received an in-person mobility assessment. C's application for a Blue Badge was refused and the decision to refuse was upheld on review. We found that there was not sufficient evidence for the council to have reasonably assessed C's application in line with The Blue Badge Scheme (Scotland) Code of Practice, and therefore did not adequately demonstrate that a clear and robust decision was made on C's eligibility as the result of the desk-based assessment. We also found they did not explain their decision to refuse C's application in line with the Code of Practice. As a result, we upheld this aspect of C's complaint.

C also complained that they did not receive a reasonable response to their complaint from the council. We found that, while the council conducted an appropriate level of investigation into C's complaints, they failed to properly identify, and therefore adequately address, the crux of C's complaints in their responses. We also found that C was not contacted when the complaint response was delayed, which was not in line with the Model Complaints Handling Procedure. We upheld this aspect of C's complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the failures identified. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).
- Assess a new application from C in line with the Code of Practice and provide a clear and robust decision.

What we said should change to put things right in future:

- Assessors should fully demonstrate in desk-based assessment forms that they have made a clear and robust decision on eligibility, and considered the factors relevant to an applicant's ability to walk, in line with the Code of Practice. Applicants applying under the 'unable to walk or virtually unable to walk' eligibility criteria should be referred for an independent mobility assessment if the local authority is unable to make a clear and robust decision on eligibility using cross-checking or desk-assessment, in line with section 4.18.2 of the Code of Practice. Local authorities should clearly state in their letter to unsuccessful applicants why their application has been refused, stating why they did not meet the criteria, in line with section 6.2.7 of the Code of Practice.

In relation to complaints handling, we recommended:

- Complaints should be handled in line with the Model Complaints Handling Procedure.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.