

Citizen Participation and Public Petitions Committee
Wednesday 15 May 2024
9th Meeting, 2024 (Session 6)

PE2079: Introduce legislation to provide for exemptions in paying medical facility parking charges and to create a new classification of parking badge for care-givers

Introduction

Petitioner Martin James Keatings

Petition summary Calling on the Scottish Parliament to ask the Scottish Government to bring forward primary legislation to provide for exemptions in paying medical facility parking charges and to create a new classification of parking badge for care-givers.

Webpage <https://petitions.parliament.scot/petitions/PE2079>

1. This is a new petition that was lodged on 18 January 2024.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition can collect signatures while it remains under consideration. At the time of writing, 14 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. Written submissions have been received from Cabinet Secretary for NHS Recovery, Health and Social Care, and the Petitioner, which are included at **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take on this petition.

Clerks to the Committee
May 2024

Annexe A: Summary of petition

PE2079: Introduce legislation to provide for exemptions in paying medical facility parking charges and to create a new classification of parking badge for care-givers

Petitioner

Martin James Keatings

Date Lodged

18 January 2024

Petition summary

Calling on the Scottish Parliament to ask the Scottish Government to bring forward primary legislation to provide for exemptions in paying medical facility parking charges and to create a new classification of parking badge for care-givers.

Previous action

Correspondence to MSP's, drafted a proposal and proposed bill; and currently seeking the feedback on said proposal from the Cabinet Secretary for Health and Social Care and the Minister for Transport.

Background information

It is imperative to ensure equitable access to medical facilities for all individuals whilst acknowledging the undue financial and physical encumbrances that parking charges levy upon individuals seeking medical care, in particular those grappling with disabilities or acting in a care-givers role; people with constrained financial means; or those providing transport support to others for medical reasons. For these reasons the Scottish Government should introduce legislation to provide for exemptions in paying medical facility parking charges and to create a new classification of parking badge for care-givers.

Annexe B: SPICe briefing on petition PE2079



The petition is calling on the Scottish Parliament to ask the Scottish Government to bring forward primary legislation to:

- provide for exemptions in paying medical facility parking charges, which would apply to:
 - disabled people
 - care-givers
 - people with limited finances
 - those providing transport for other medical reasons, and
- create a new classification of parking badge for care-givers.

Blue Badge Scheme

The Blue Badge Scheme operates UK wide and is administered by local authorities. It applies primarily to on-street parking, and holders can park in restricted areas for free:

- at on-street parking meters
- in pay and display bays
- in disabled parking spaces
- on single and double yellow lines if it's safe to do so and there are no loading restrictions.

Administration of the scheme is devolved. [Transport Scotland is responsible for the legislation setting out the framework for the scheme](#) and provides support to local authorities.

The enabling Act is [the Chronically Sick and Disabled Persons Act 1970](#). Section 21 provides for “Badges for display on motor vehicles used by disabled persons”.

[The key regulations for Scotland are in Disabled Persons \(Badges for Motor Vehicles\) \(Scotland\) 2000/59, as amended](#). For further general background see the [SPICe Briefing on Disabled Parking and the Blue Badge Scheme](#) (February 2016). However, the scheme has been updated since the publication of this briefing.

The total number of Blue Badges in 2023 was 281,339 (Transport Scotland, personal communication, 16 February 2024).

There are two routes to a Blue Badge, either automatic entitlement based on receipt of certain benefits, or through a local authority assessment based on set criteria.

Local authorities can charge up to £20 for a Blue Badge and they usually last for three years and can then be renewed.

Eligibility for a Blue Badge

The [mygov.scot website provides detail on eligibility](#). Further detail on eligibility is available in [the leaflet, Can I get a Blue Badge?](#)

Automatic entitlement to a Blue Badge

Some disabled people are automatically entitled to a Blue Badge but must apply to their local authority for one.

You will automatically get a Blue Badge if you:

- are under 16 and have a letter confirming your eligibility from your visual impairment care team
- are 16 or over and registered or certified as severely sight impaired
- get the higher rate of the mobility component of Disability Living Allowance
- get Personal Independence Payment and scored 8 points or more in the 'moving around' area of your assessment
- get Personal Independence Payment and scored 12 points in the 'planning and following a journey' area of your assessment
- get Personal Independence Payment and used to get the higher rate of the mobility component of Disability Living Allowance on an indefinite or lifetime basis
- get Personal Independence Payment, used to get the higher rate of the mobility component of Disability Living Allowance, and your Personal Independence Payment decision is being appealed
- get Adult Disability Payment and have been awarded mobility points of either 8 points or more in the Moving Around activity, or 12 points in the Planning and Following a Journey activity, or enhanced rate mobility under special rules for terminal illness
- get the higher rate of the mobility component of Child Disability Payment
- get War Pensioners' Mobility Supplement
- got a lump sum payment from tariffs 1 to 8 of the Armed Forces Compensation Scheme and have been certified as having a permanent and substantial disability.

Assessment for a Blue Badge

A local authority can also issue a Blue Badge following a mobility assessment by an independent physiotherapist or occupational therapist, if the person is more than two years old, and they have:

- a substantial disability lasting at least 12 months that means they cannot walk at all
- a substantial disability lasting at least 12 months that means they're virtually unable to walk.

A Blue Badge may also be issued to a person who:

- regularly drives and cannot use parking meters because of a severe disability in both arms
- has a mental condition that means they lack awareness about the danger of traffic when making journeys.

Rules for children under three

A parent of a child aged under three can apply for a Blue Badge if they:

- are responsible for a child under 3 years old who needs to be kept close to a vehicle for medical treatment
- are responsible for a child under 3 years old who uses bulky medical equipment that cannot be carried around

Local authorities may require further information from a medical professional involved in the child's care, but under certain circumstances, assessment may be conducted over the phone or online (Transport Scotland, personal communication, 16 February 2024).

Updates and review of the Blue Badge Scheme

Officials undertook a review of the Code of Practice for local authorities (internal guidance on the scheme's administration) in 2022. This included streamlining the application process and a full redesign of all paper application forms (Transport Scotland, personal communication, 16 February 2024).

In March 2020, Transport Scotland, local authorities and Motor Neurones Disease nurse consultants, trialled a fast-tracked prescription model for eligible applicants who have been diagnosed with MND. This is to provide them with a Blue Badge without having to participate in the full application phase. [This has now been rolled out \(MND Scotland\)](#).

There are no current plans to amend the eligibility legislation. Transport Scotland has said that the scheme is "carefully reviewed through continued engagement with healthcare professionals, independent mobility assessors, 4 Nations colleagues,

members of Disability Equality Scotland and local authorities and COSLA.”
(Transport Scotland, personal communication, 16 February 2024).

Who can use a Blue Badge?

[The Rights and Responsibilities leaflet](#) explains that the Blue Badge is for the benefit of the person it has been issued to.

The Blue Badge must be displayed when the Blue Badge owner is travelling in the vehicle, either as a driver or passenger. This means that someone else can drive to help drop off and pick up the Blue Badge owner (this might be a ‘care-giver’). However, they would still then need to drive to another space, remove the badge, and park as they normally would until it is time to pick up the Blue Badge owner:

“The driver should not wait in a disabled person’s parking place and should remove the badge from display and park as they normally would. They can then return to a disabled persons parking place to collect the badge holder when required.”

Off-street car parks

The Blue Badge scheme does not generally apply in off-street car parks in supermarkets or hospitals. However, parking spaces for disabled people should be provided under the Equality Act 2010 because service providers have a duty to make ‘reasonable adjustments’ for disabled people in order for them to access their service. It would be up to the car park owner whether Blue Badge holders can park free of charge and whether to enforce the use of disabled parking spaces.

Hospital parking fees

Hospital car park charging was stopped in NHS Scotland hospitals in 2008, [see the Scottish Government’s Revised Guidance on Hospital Car Park Charging to Scottish Health Boards](#).

Car parking charges at the three PFI (Private Finance Initiative) hospitals (Royal Infirmary of Edinburgh, Glasgow Royal Infirmary and Ninewells Hospital, Dundee) were suspended in March 2020. This was at the onset of the Covid-19 pandemic and through an arrangement reached between the Scottish Government and the PFI operators. [The Scottish Government has since bought out the car park contracts at Glasgow Royal Infirmary and Ninewells Hospital, Dundee](#) and is negotiating to do the same at the Royal Infirmary, Edinburgh.

[In response to PQ S6W-19242 \(23 June 2023\)](#), the Scottish Government said that it had no plans to re-introduce charges for hospital car parks.

Nicki Georghiou
Senior Researcher
19 February 2024

Annexe C: Written submissions

Scottish Government submission of 20 February 2024

PE2079/A: Introduce legislation to provide for exemptions in paying medical facility parking charges and to create a new classification of parking badge for care-givers

Thank you for your correspondence on 22 January regarding the above petition. Before addressing these specific points, I would like to clarify the Government's position regarding parking charges on NHS premises.

In 2008, the Government abolished all car parking charges on NHS owned car parks, we estimate this has saved patients, visitors and staff £54 million since the policy was implemented. That did leave three PFI owned car sites at Glasgow Royal Infirmary, Ninewells Hospital and Edinburgh Royal Infirmary which continued to apply charges, however, again re-emphasising our commitment to eliminating charges which we consider to disproportionately impact on people and families that are impacted by poor health, we removed these charges in 2020 so there is no NHS facility in Scotland that has car parking charges.

The Scottish Government recognises that disabled persons' parking places play a vital role in enabling disabled people to carry out day-to-day activities that non-disabled people can take for granted. The Blue Badge scheme can assist with this and badges are issued to individuals, not vehicles. As long as the Blue Badge holder is a passenger, any driver can use the badge to drop off or pick up the badge holder.

The Scottish Government also recognises the huge contribution made by carers and continue to work to improve support available to them and that the provision of free parking can support both patients and carers in accessing hospital sites.

The cost crisis is disproportionately affecting unpaid carers, exacerbating existing financial pressures already felt by them. We know that caring comes with additional costs that can significantly impact a carer's financial situation, including travel costs associated with their caring role. We are implementing our National Carers Strategy to drive forward long-term changes to improve the lives of unpaid carers across Scotland. It sets out a cross-government approach to carers issues, and includes a chapter dedicated to carers' financial inclusion and support, encompassing social security, travel and actions to help mitigate the impact of the cost of living crisis.

With regards to carers working in social care, the Scottish Government has a long-standing commitment to the principles of Fair Work for the social care sector. We are fully committed to improving pay and conditions for the social care workforce as we recognise and value the work that they do. However, arrangements for travel and subsistence for the social care workforce are not set by the Scottish Government and are a matter for individual employers. Responsibility for providing and commissioning social care services lies with local authorities and Health and Social Care Partnerships. In terms of parking charges which may apply to social care staff, local authorities are responsible for decisions around the enforcement of parking restrictions and the consideration of any exemptions is at their discretion.

Finally, while the Scottish Government has policy responsibility on how parking arrangements should apply to NHS properties, this responsibility does not extend to deciding parking policy outside the hospital. As mentioned above, Local Authorities are responsible for managing the wider car parking policy and it is for them to decide how much they should charge and if any exemptions should apply.

Our commitment to eliminating car parking charges on NHS sites for patients, visitors and staff is clear, however it is for Local Authorities to decide wider car parking arrangements and there are no plans to intervene on this matter.

**NEIL GRAY MSP
CABINET SECRETARY FOR NHS RECOVERY, HEALTH AND SOCIAL CARE**

Petitioner submission of 27 February 2024

PE2079/B: Introduce legislation to provide for exemptions in paying medical facility parking charges and to create a new classification of parking badge for care-givers

Introduction and Context

1.1 As the petitioner for PE2079, I am compelled to address the response provided by the Cabinet Secretary for NHS Recovery, Health, and Social Care. This response underscores the urgent need for legislative reform to address the significant challenges faced by disabled individuals and their carers in accessing medical facilities in Scotland.

1.2 Regrettably, the Cabinet Secretary's response reveals a profound misunderstanding of the challenges carers face. This petition emerges from genuine, empirical evidence gathered alongside insights from a community of carers – and just as important, personal experience during my 14 years as an unpaid carer – which despite being a year and a half clear of that role, still continues to linger financially.

The apparent disconnect in the Cabinet Secretary's understanding deeply concerns us, especially amid a cost-of-living crisis.

1.3 To state it plainly, it is utterly unacceptable for a carer to expend half of their allowance on parking fees next to an NHS facility lacking its own parking, especially when the local council imposes charges as steep as £6 per hour. To the ordinary person that may not seem much, but when your income is less than £80 per week, it is a different matter entirely.

1.4 This response endeavors to spotlight the system's failings and to lay out a comprehensive plan for the requisite legislative and policy reforms.

Critical Analysis of the Cabinet Secretary's Submission

2.1 While the Cabinet Secretary acknowledges the Blue Badge scheme's importance, this recognition fails to extend to the unique circumstances of carers

performing tasks in the absence of the disabled individual they support. The current policy, which restricts badge use to scenarios where the disabled individual is present, severely hampers the carer's ability to provide effective care. It is a criminal offence to use a legal document (which a parking pass is) without the person being there – and as the Cabinet Secretary freely states, parking passes are issued to people – not vehicles.

2.2 The submission also neglects the widespread issue of insufficient NHS parking, particularly at specialised clinics and smaller medical units. This oversight ignores the financial and logistical burdens placed on patients and carers, who are left with no choice but to incur significant parking expenses.

2.3 Moreover, there's an alarming trend where blue badges are disallowed within a reasonable distance of medical facilities, and parking charges are notably higher in areas surrounding medical institutions, often situated near universities or other high-traffic venues. This policy disproportionately affects the disabled and carers, evidencing a policy flaw that discriminates against those most in need of consideration.

2.4 The specific case of exorbitant parking fees at the Edinburgh Eye Pavilion, for instance, highlights a broader issue of access and equity within our healthcare system. Such prohibitive costs directly conflict with the ethos of a healthcare system that is supposed to be free at the point of delivery.

Legislative and Policy Amendments

3.1 Introduction of a Carers' Badge Scheme –

The evidence gathered thus far underscores the critical need for a Carers' Badge scheme. This initiative would address the unique role of carers, who frequently must venture outside the home to provide care, thereby recognizing the fluid nature of caregiving responsibilities.

3.2 The time has come for Scotland to confront a pivotal question: do we genuinely value our carers, or are we content with mere lip service?

My 14 years of caregiving experience have shown me that the current support system for carers is severely lacking. The discrepancy between the support that is promised and the reality on the ground is stark, leaving carers to fend for themselves against a multitude of challenges. It may ruffle feathers to say, but if parking charges were levied against any other cohort of protected characteristic, purely for having to engage in their normal role in life, MSP's would be screaming it from the balcony of parliament – but for carers and the disabled, we'll see.

3.3 The era of minor adjustments and incremental changes must end. We are at a juncture where we must either fully commit to empowering carers or continue to overlook their crucial role.

Carers are the linchpin of the NHS and social care system, tirelessly bridging the gaps left by systemic deficiencies. Ignoring the obstacles they face is not just

neglect—it is outright hypocrisy, especially considering their pivotal role during the pandemic.

3.4 The ethos of dignity, fairness, and respect, championed by Social Security Scotland (coined by the Scottish Government), must be the ethos that is used in this matter – and it must extend beyond mere slogans. The grim reality where carers and the disabled are forced to choose between parking and basic necessities (because £10 can be the difference between eating or not) starkly contradicts these values. This untenable situation calls for immediate and decisive action.

3.5 The Cabinet Secretary's final remark that "there are no plans to intervene on this matter" prompts a critical interrogation of the Scottish Government's commitment to addressing discrimination against society's most vulnerable. The government's inaction in the face of challenges faced by carers, who play a vital role in sustaining the health and social care system, is indefensible. Leading to the obvious question about intervention on this issue: Why not?

3.6 By introducing a Carers' Badge, we can begin to tangibly demonstrate our support for carers, transcending the inadequate support historically provided by Westminster – and by abolishing, uniformly, parking charges around medical facilities with no parking of its own – we remedy a clear injustice to those who are being discriminated against.

The badge would not only facilitate carers' access to essential services but also symbolize a genuine commitment to improving their circumstances.

3.7 It is imperative for the Scottish Government to undertake a thorough examination of parking policies concerning medical facilities, aiming to extend exemptions and mitigate the undue burdens on carers and disabled individuals. This issue cannot be left to local councils who have already had decades to remedy this and whose financial interests often outweigh the needs of carers.

3.8 The essence of my petition is the belief that access to medical facilities is a fundamental right and I would challenge the Scottish Government to answer why that is not the case.

The proposed legislation I am calling for must address both the financial impact of parking charges and establish a new parking badge category for caregivers without delay.

Conclusion and Call to Action

4.1 The Cabinet Secretary's submission highlights a significant gap in our healthcare system's inclusivity and accessibility. The implementation of a Carers' Badge and the overhaul of parking charge exemptions are crucial steps toward ensuring the dignity and rights of those in caregiving roles, irrespective of whether or not they form part of plans currently considered by the Scottish Government.

I continue to urge the Scottish Parliament and the Scottish Government to consider these recommendations with the seriousness and urgency they deserve. Our

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collective responsibility is to foster a healthcare system that is accessible, equitable, and supportive of everyone's needs.