

Issue for consideration of Priorities Panel

For official use only:

Issue ID Number: ID 037

Date received by Operational Director
01/06/10

Date to Priorities Panel
09/06/10

Office use:

Name:
(JJ, RA, KT, All)

Date completed and initials:

Date of referral to LINK	18/5/2010
Date issue arose	January 2010
Title (Headline/short title of issue)	Disabled Parking at William Harvey Hospital
Nature of interest/standing of person in relation to issue:	
Recipient of service <input checked="" type="checkbox"/> Family <input type="checkbox"/> Friend <input type="checkbox"/> Advocate/Campaigner <input type="checkbox"/> Other <input type="checkbox"/>	
If other, please state what their standing is in relation to the issue:	
Is the person raising the issue a:	
LINK participant?	<input checked="" type="checkbox"/>
Member of the public?	<input type="checkbox"/>
Priorities Panel Member?	<input type="checkbox"/>
Governor Group Member	<input type="checkbox"/>
LINK Development Worker	<input type="checkbox"/>
Part of an organisation	<input type="checkbox"/>

<p>If raising issue on behalf of an organisation, state name and brief details of what they do</p>	
<p>Summarise issue (no more than 100 words). If necessary, a more detailed account may be submitted on page three with additional pages attached if necessary</p>	<p>Disabled people attending William Harvey Hospital (WHH) are required to pay to park in standard parking bays if no disabled parking spaces are available. This issue has been raised with the Trust by the referrer and he felt their response does not acknowledge the hospital's statutory responsibility for the disability and equality rights of people visiting the hospital under the Disability Discrimination Act (DDA).</p>
<p>Please use this space to give a detailed account of the issue to be raised with the Priorities Panel. (N.B: Form will expand to accommodate additional text – other documentation can be appended, as necessary)</p> <p>The referrer would like to raise the issue that by obligating people who have a blue badge to pay if they have to park in a standard bay the Trust is breaching the disability equality duty which was introduced into legislation in the Disability Discrimination Act (amended 2005) which states that public bodies must have 'due regard' to the need to:</p> <ul style="list-style-type: none"> • promote equality of opportunity between disabled persons and other persons • eliminate discrimination that is unlawful under the Act • eliminate harassment of disabled persons that is related to their disabilities • promote positive attitudes towards disabled persons • encourage participation by disabled persons in public life; and • take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons – "positive action" <p>East Kent Hospitals University Foundation Trust (EKHUFT) have confirmed that they do not have a parking management policy in place. Signage is displayed in car parks to explain the rules visitors using the car parks must abide by, including regulations for disabled visitors with blue badges using the car park.</p> <p>If the disabled bays are all occupied then a blue badge holder can park in a standard bay, however they are still required to pay for a ticket even if they display a blue badge. The referrer feels that this does not constitute the Trust making a reasonable adjustment to accommodate the needs of disabled visitors under the disability equality duty outlined above, which states that public bodies must demonstrate "positive action" towards disabled people. In this instance disabled people are being put at a disadvantage to able-bodied people who may</p>	

park outside the hospital and walk in to avoid being charged for parking. Disabled people are unable to make this choice as they must park in the car park even if the blue badge bays are full, in order to be able to easily access the hospital, thus incurring a charge. The referrer also feels that the hospital is failing in its duty of care to disabled patients attending the hospital, particularly if they are forced to miss an appointment through being unable to park.

On visiting the WHH the referrer experienced a lack of understanding and knowledge by staff on disability and equality rights which meant they were unable to support or discuss the issue of parking with him. This also raised a concern about the training of staff in the equality rights of the people they are employed to serve and care for.

Is the issue currently under investigation, via a complaint or inquiry or being dealt with by somebody else (this includes being part of a wider campaign on the issue)?

Yes

No

If yes, give details of actions already taken including contact details of others dealing with the issue:

On making contact with EKHUFT the referrer was initially told that in order to make a formal complaint he would need to do so in writing, which is further discriminatory against him and others who may not be able to write due to disability. This contradicts the information available on the Trust's website, which advises "A complaint may be made by a patient or with their consent by someone acting on their behalf. You can make your complaint by telephone or email using the information above or, if you prefer, you can send a letter."

To date, the most recent correspondence from the Trust has advised that no further action will be taken to address this issue as its provision of disabled parking onsite is sufficient in order to meet its requirements to make reasonable adjustments for disabled people under the disability equality duty.

Is there a timescale/deadline/circumstance affecting this issue which may mean the LINK will have to act quickly, e.g. closure of a unit, change of service, a particular urgency?

Yes

No

If yes, what is that circumstance and what is the timescale by which action has to be taken?

What expectation does the person raising the issue have of the LINK, i.e. what does that person want the LINK to do/what action does it want it to take?

- To raise the concern with EKHUFT and address whether parking regulations for blue badge holders could be revised to ensure that they are

- To find out what training and ongoing support is available to staff to ensure they are aware and up to date with equality rights of everyone who visits and uses their services and facilities.

What would be a good outcome from the perspective of the person raising the issue?

A change in EKHUFT's parking regulations to ensure disabled people are able to park at their hospitals without charge whether there are disabled parking bays available or not.

What evidence does the person raising the issue have to support the case they are putting for the LINK to take action? List or attach evidence and sources, if available.

The referrer has personal experience of not being able to access the WHH to attend an appointment because he hasn't been able to park in a disabled space and has been expected to pay to park.

The EKHUFT website for William Harvey Hospital states "There are disabled bays near the main entrances of the hospital where parking for disabled badge holders is free for up to three hours. Current charges apply if parking in a standard pay and display bay."

How widely does this issue affect other people?

This affects all disabled blue badge holders visiting EKHUFT hospitals.

In what ways are other people affected by this issue.

This actively discriminates against disabled people with blue badges because they have to use hospital car parks as they are not able to park elsewhere and use alternative means to access the hospital. They are then charged to do so. Also, as disabled people are often on benefits and may not be able to afford to pay to park especially if they have regular appointments at the hospital.

Signed.....

Date.....

**Recommendations Proforma
ID 037**

No	Recommended action	Please tick	If additional information required, please specify	Additional comments, if any
1.	No further action			
2.	Watching brief			
3.	Letter to Trust/Social Care calling for comment before taking any further			
4.	Urgent action as issue concerns patient/client safety			
5.	Further information required, please specify			
6.	Consult/ survey participants to check level of interest/concern before proceeding to any other action			
7.	Start discussion on LINK web site/through LINK Bulletin			
8.	Question to Citizen Jury			
9.	Topic for local meeting			
10.	Urgent unscheduled visit –specify purpose of visit in comments column			
11	Refer to regulator, e.g. Care Quality Commission, Ofsted, Health and Safety Executive, Royal Colleges, etc –please specify			
12	Potential to develop as possible LINK project			
13	Any other recommended actions			