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| <b>Decision maker:</b>  | <b>Director Adults and Wellbeing</b>      |
| <b>Decision date:</b>   | <b>Thursday 21 June 2018</b>              |
| <b>Title of report:</b> | <b>Adult Social Care Transport Policy</b> |
| <b>Report by:</b>       | <b>Head of care commissioning</b>         |

## **Classification**

Open

## **Decision type**

Non-key

## **Wards affected**

(All Wards);

## **Purpose and summary**

To approve the Transport Policy for Adults and Wellbeing.

The policy is compliant with the Care Act 2014 and its associated regulations and statutory guidance. The policy is for staff and for those individuals eligible and in receipt of social care support and provides clear guidance on how the council will assess and if required provide transport support to meet the individual's needs, taking into account a strength based approach which focusses on what they can do for themselves.

## **Recommendation(s)**

**That:**

- (a) The Adult Wellbeing Transport policy at appendix A is be approved.**

## Alternative options

1. No policy is adopted and implemented in relation to Herefordshire's approach to the provision of transport for adults who have an eligible social care need. This is not recommended and will present ambiguity and have the potential for an inequitable approach to be applied by the council when assessing individuals under the Care Act 2014.
2. To not support or provide transport in the delivery of social care services to meet eligible care needs. This is not recommended as the geography and rurality of Herefordshire presents additional challenges in meeting some peoples eligible social care need and each individuals case will be different and therefore the policy needs to have flexibility when taking this into account.

## Key considerations

3. The Care Act 2014 places a duty on the council to meet the needs of adults and carers assessed as having eligible needs. Promoting wellbeing and meeting needs is not always about direct service provision, as other means of support may be more appropriate to meeting an individual's needs, such as information and advice, universal services, preventative interventions, community resources, carers and direct payments.
4. To meet the changing profile of needs in the county, the council is developing a modern, flexible and financially sustainable approach that will support people and their carers to remain independent and enabled to lead fulfilling lives. Travel is a necessary aspect of everyday life and central to this policy is the aim that people live and travel as independently and safely as possible.
5. There are currently 51 people whom the council directly commissions transport support and other individuals may use their direct payment to purchase transport.
6. The aim of this policy is to reflect national and local priorities as set out in the Care Act 2014 and Herefordshire's Health and Wellbeing Strategy complementing the council approach to delivering services and promoting independence. It sets out a clear rationale on how the council will assess what support is needed in order for the individual to remain as independent as possible.
7. The policy reflects national and local priorities and is based on the following principles:
  - Promoting Independence and enablement
  - Maximising choice and control
  - Dignity
  - Improving quality of life
  - Supporting health and wellbeing
  - Accessing local and universal services
  - Ensuring safety
  - Person-centred and personalised outcomes
8. The over-riding principle of this policy is that the decision to provide transport is based on needs, risks and outcomes and on promoting independence.

9. The council must be able to clearly demonstrate to all individuals what to expect from the council, what they are entitled to within a legislative framework, and explain the rational and process of how the council will make such decisions.
10. The transport policy will ensure that the council meets its statutory duties whilst ensuring that it uses its resources efficiently and effectively.
11. The policy links to the council's adult wellbeing charging and support policy and is consistent with its aims and outcomes.
12. A principal of reasonableness will be adopted and the assessment will aim to establish if it is safe and reasonable to expect the person to make their own travel arrangements, and as part of the assessment all transport options will be examined and the outcomes will be identified and evidenced. If there are no other ways in which the individual can reasonably access services and support or be expected to make arrangements to access them safely, then the provision of transport by the council will be considered a need and support will be provided.
13. The assessment considers physical, mental and social reasons that enable or prevent the client from travelling independently. These may include:
  - Extent of the mobility problems identified
  - Availability of family, carers or volunteers to assist with access to transport
  - Communication difficulties (e.g. ability to order a taxi or use public transport);
  - Psychological factors (lack of confidence, agoraphobia);
  - Experience or risk of harassment
  - Any other factors affecting personal safety
14. As an outcome of the above, people may be assessed as being:
  - Capable of travelling independently
  - In need of training, support or assistance that will enable them to travel independently in the near future
  - Not capable of travelling independently.
15. Where support is required, transport will be commissioned through the councils transport framework or through the individuals Direct Payment (DP) if appropriate.
16. An easy read version will be made available and published on the council website and WISH.

## **Community impact**

17. The Adults Wellbeing plan (2017-2020) recognises "the importance of protecting and promoting people's independence, resilience, ability to make choices and maximising wellbeing, our social care service operates a strength based model of practice."

18. The Corporate Plan (2016-2020) is “committed to efficiency, maximising the use of resources in order to secure better services, secure quality of life and value for money whilst complying with our legal duties and corporate priorities.” As part of the assessment, the officer will take into consideration how best to allocate resources to meet an individuals eligible needs.

## Equality duty

Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
19. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine ‘protected characteristics’ (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have ‘due regard’ to the public sector equality duty when taking any decisions on service changes.
20. The policy will support the council the council meets its primary duty to ensure peoples social care needs are met, whilst also providing the flexibility to ensure people can choose alternatives so promote choice and control.
21. The transport policy will ensure financial equity by taking account of individuals who are also in receipt of the mobility component of Disability Living Allowance (DLA) or Personal Independence Payment (PIP) benefits, which provide financial support to people who have mobility problems with severe difficulty walking or who need guidance or supervision to help them with getting around outdoors and in the community.

## Resource implications

22. The policy is not intended to bring any savings, however its implementation will ensure that the council makes best use of its limited resources and a consistent approach to support is provided to those most in need in order to meet their eligible care needs.
23. The council spent approximately £225k in 2017/18 on transport supporting 55 people at any one time; this did not include any direct payments used for transport. The table below highlights the split on spend by client, with the highest proportion supporting people with learning disabilities.

### 2017/18 spend

**client group**

**(£)**

|                       |                   |
|-----------------------|-------------------|
| Learning Disabilities | 207,845.31        |
| Mental Health         | 30.00             |
| Physical Support      | 16,665.70         |
| <b>Total</b>          | <b>224,541.01</b> |

## Legal implications

24. Care Act 2014 provides that travel assistance is a service that can be provided in order to enable the adult in need or carer to make use of necessary facilities or services in the local community. Where the council has assessed a person as eligible for care and support and one of the person's support needs is to make use of necessary facilities or services in the local community, the council has a duty to ensure that this need is met.
25. The care plan must address this issue and failure to do so could amount to maladministration.
26. The application of any transport policy engages the Equality Act 2010 and the policy must be considered from the perspective of the council's public sector equality duty.

## Risk management

27. The implementation of the transport policy is not intended to increase any risk to the council, it aims to ensure a consistent and transparent approach for all to ensure resources are efficiently identified and targeted.

| Risk / opportunity   | Mitigation  |
|--|---|
| By seeking to maximise independence the council will be encouraging more of a risk enablement culture.   | Risk taking is a human right, and the council has a range of processes it uses to support positive risk taking, by managing risks and working with citizens to prepare and mitigate risks. The council will apply legislation around capacity to support this process. It also provides additional support services, such as travel trainers to provide practical support in learning new skills. |
| Upon implementation of the policy there may be some people whom are asked to fund some or all of their own transport. There is a risk they choose not to access services to meet their needs to avoid paying towards their care. | As with current social care scenarios where people choose to make decisions based on the need to make a financial contribution, the council will implement guidelines in relation to capacity and best interests to safeguard those individuals.  |

Without this policy there is a risk that operational officers do not implement a consistent approach when transport is taken into consideration

Once the policy is approved, legal have produced a simple guide for all staff with some key points to consider when they are assessing individuals.

28. Any risks will be managed with the operations team who are social care professional practitioners, and operate within the Care Act legislation 2014.

## **Consultees**

- 29. The policy was written in collaboration between adult social care operations head of service, commissioners and the corporate transport department.
- 30. Consultees include Adult Wellbeing Commissioning and Adult Wellbeing Welfare and Assessment team to ensure the policy reflects other charging policies held by adults wellbeing directorate.
- 31. No external consultation has been complete as it is not a change in current practice it's just formulating current practice.

## **Appendices**

Appendix 1 Adult Wellbeing Transport Policy

Appendix 2 Equality Impact Assessment

## **Background papers**

None