

<i>Approved by</i>	Director for Adult Wellbeing
<i>Date approved</i>	June 2018
<i>Version</i>	1
<i>Last revised</i>	
<i>Review date</i>	June 2019
<i>Category</i>	Adult Social Care
<i>Owner</i>	Mandy Appleby
<i>Target audience:</i>	People with eligible social care needs who use transport, Social Care professionals, Finance, Welfare & Financial Assessment Staff, Brokerage, Commissioning (Adults), Charging team, Social Care providers.

Adult Social Care Transport Policy 2018

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1. Introduction

- 1.1 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.
- 1.2 To meet the changing profile of needs in the county, Herefordshire Council is developing modern, flexible, financially sustainable approaches 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.
- 1.3 This policy outlines a consistent and equitable way of supporting older people, adults with disabilities and people with mental ill health, and support for carers, in provision of 'assisted transport in line with the national eligibility criteria (Care Act 2014). The policy applies to all adults aged 18 years and above who access support provided directly or commissioned by the Council. Transport for those eligible can be directly commissioned or individually purchased from a direct payment in the most cost effective way.

2. Legal and policy framework

- 2.1. The Care Act 2014 and associated Regulations and statutory guidance provide the legal framework for the assessment of social care and support needs and for determining eligibility for adult social care support with effect from April 2015
- 2.2. This means that transport will be considered as part of a broader assessment of needs based on the national eligibility criteria for adults and carers: and on the duty to meet needs through a care and support plan. Assisted transport will generally only be provided to clients where following an assessment it is determined that this is necessary because the client has no other travel option available in line with the eligibility criteria outlined in this
- 2.3. Adult Social Care has a legal duty to provide transport to clients who are eligible for social care support in certain circumstances.

The Care Act 2014 sets out that duty as follows:

'The national eligibility criteria set a minimum threshold for adult care and support needs and carer support needs which local authorities must meet. All local authorities must comply with this national threshold'.

The Act details that:

'Local authorities should consider the adult's ability to get around in the community safely and consider their ability to use such facilities as public transport, shops or recreational facilities when considering the impact on their wellbeing'.

The responsibilities of local authorities are clearly set out with regard to carers and their assessment.

- 2.4. This policy should also be considered within the framework of the council's following policies:
 - Care and Support meeting your needs policy
 - Direct Payments policy
 - Charging and Support Charging Policy

3. The aims of this policy

1. 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 Herefordshire Council's approach to delivering Adult's and Wellbeing Services within a framework of 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.
- 3.1.
- 3.2. The aim of the policy is to reflect 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
- 3.3. The promotion of commonly available transport options will be encouraged, such as public transport and people using their own vehicle. Also walking, or mobilising with the use of aids, either independently or with support, utilising transport assistance costs and concessionary travel. Where the client already has a Direct Payment then this option should be offered in the first instance before seeking a commissioned transport option.

4. Overarching Principles

In providing services, we will:

- Keep the needs of Herefordshire **citizens at the heart** of what we do rather than think and act organisationally
- Proactively **manage demand** not just supply
- Keep in line with national **eligibility criteria**
- Communicate and engagement with citizens the expectation of self-sufficiency and independence
- Ensure the transport needs of children in transition to adulthood are assessed in a timely manner, so that options to promote independence and use mainstream transport have been explored

5. Providing transport

- 5.1. 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. Where transport that promotes independence is not the most cost-effective solution, this will be considered on an individual basis.
- 5.2. Individuals who can travel to a community activity, either independently or with assistance from family, friends or support providers will do so.

- 5.3. Herefordshire Council will only provide assisted transport to help meet an assessed need following a Care Act assessment. Transport provided will be appropriate for that need and arranged in the most cost-effective way.
- 5.4. People who qualify for concessionary travel (free bus travel) will be expected to apply for and use this when appropriate to meet their needs. Likewise, if the ability to travel would be made possible by an accompanying companion, assistance will be provided in applying for a companion pass. The constraints of concessionary travel (i.e. no free travel before 0930) will be taken into account during the assessment.

6. Eligibility and determining the need for transport

- 6.1. If a person contacts us for help and shows a presenting need, we will carry out a Community Care Assessment in order to establish whether or not they have any qualifying needs at a greater substantial or critical level.
- 6.2. The decision to provide assistance with transport will only follow a full assessment of needs, including mobility and the risks associated with accessing support and services in the community as part of the care and support planning process. The need for, and purpose of, transport should be clearly stated on an individual's Care and Support Plan. The provision and funding of transport will only be considered if the individual has needs categorised in accordance with the council's Care and support and meeting your needs Policy. https://www.herefordshire.gov.uk/directory_record/2146/care_and_support_and_meeting_your_eligible_needs_policy
- 6.3. 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.
- 6.4. When assessing eligibility for transport and feasibility of different ways to access services, the following factors will be taken into account:
 - Access to existing transport
 - Assessment of mobility
 - Assessment of ability to travel independently
 - Identification of appropriate transport provision for those eligible
 - Prioritise the use of local services to meet the eligible need
- 6.5. A principal of reasonableness will be adopted (the assessment will aim to establish if it is safe and reasonable to expect the person to make their own travel arrangements). As part of the assessment all transport options will be examined and the outcomes will be identified and evidenced.

Access to existing transport

- 6.6. People will not normally be eligible for assisted transport if:
 - a. They have a Motability vehicle which they drive themselves. In this instance there will be consideration of whether it is reasonable to expect that the individual will use that vehicle in order to travel to the location of the care service or activity. Where a person

uses their own vehicle or Motability car, no petrol costs or other expenses will be considered.

- b. They have a mobility vehicle of which they are not normally the driver. Again, there will be consideration of whether it is reasonable to expect the person's family and friends to help them travel to the care service or activity.
- c. They are in receipt of the mobility component of Disability Living Allowance or Personal Independence Payment (PIP), the purpose of which is to assist those who have mobility problems with severe difficulty walking or who need help getting around outdoors and in the community. These people will only be eligible for transport if they are assessed as not capable of independent travel or if the mobility element of the benefit does not fully covers their needs (due to distance from services, the nature of the disability, wheelchair type or carer support requirements). As part of the full financial assessment, Herefordshire Council's finance officers will help people maximise their access to any benefits they may be entitled to. Where a client receives the mobility element of Disability Living Allowance or Personal Independence Payment they will be required to fully utilise the benefit to access transport options. As part of our assessment process the social care support plan will determine if any transport contribution is required and the cost.
- d. They live in a registered residential care home, as these are subject to the terms and conditions of the contract between the council and the care home. However, if the individual is assessed as having the ability to travel independently, or with minimal intervention, the care home will make provision to support independent travel if they are responsible for transport arrangements.

Assessment of mobility

6.7. A mobility assessment will be carried out in all cases. This will involve assessing issues such as:

- Ability to walk outside independently
- Requirement for wheelchair or walking aid
- Risk of falling without support
- Ability to bear weight to transfer
- Ability to get in and out of property
- Ability to get in and out of vehicle
- Risk of fall or self-harm due to uncontrollable movements
- Ability to use stairs, manage gradients, steepness of stairs in home, safety, energy levels
- Any barriers to independent travel
- Risks to others
- Occupational therapy or other professional assessments

As an outcome of this assessment, people may be classed as having:

- No mobility problems
- Limited mobility problems
- High or complex mobility problems

Assessment of ability to travel independently

6.8. This 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 above
- 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

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

The stages set out above will determine the eligibility of the client for some form of transport or transport assistance, with the following levels of need being identified:

Assessment	Transport
The individual is capable of walking or travelling independently and has got no mobility problems or low mobility problems	A range of transport options to be explored to maximise independence to include Public transport.
The individual is potentially capable of independent travel, with rehabilitation or training, and has got no mobility problems or low mobility issues	Transport options explored, with council funded or arranged transport provided as a last resort.
The individual is not capable of independent travel and has no mobility problems or low mobility problems	Transport options explored, with council funded or arranged transport provided as a last resort.
The individual is not capable of travelling independently and has got high or complex mobility problems	Transport options explored. Potentially eligible for transport support and may require door-to-door services

Identification of appropriate transport

- 6.9. Once eligibility has been assessed, it will be for Adult Social Care to make appropriate arrangements for transport. Directly provided transport services will be provided only once all other alternatives have been considered and ruled out, and not as a matter of course.
- 6.10. There are different types of transport service provision:
- Assistance with using public transport (e.g. travel buddies or by undertaking a course of independent travel training)
 - Provision of transport by parents/carers – supported by payment of mileage allowance if appropriate;
 - Taxi service – either shared with others or for sole use
 - Other dedicated transport (e.g. minibuses) arranged by the Council
- 6.11. The individual's assessment or review will identify their potential to learn road safety and orientation skills so that they can travel independently, thus maximising their skills and autonomy. This may require a planned programme of transport training by a support worker, or a system of pairing people up or forming small groups so that people can travel together and support each other. Programmes of support must be identified in the Care and Support Plan and be subject to regular review to monitor progress.
- 6.12. Where a person cannot attend their nearest community activity including college or a day opportunity because there is no placement available, the assessing officer may request additional resources to be allocated. However, where a person chooses to attend community activities, college or a day centre that is not the nearest, and the nearest service is available to meet their assessed need, any additional cost of any transport considered necessary will be met by the person.
- 6.13. Geographical isolation may be a factor in an individual's ability to access services outside the home. People living in rural or remote areas may experience additional barriers in terms of the frequency and number of buses they are required to use, or the high cost of taxi fares. The availability of alternative accessible and affordable means of transport must be considered when assessing an individual's ability to travel independently.
- 6.14. There is no single definition of what is reasonable distance/time to access services or activities that meet social care needs. An assessor should be able, having information about an individual's abilities and the transport options available, to define "reasonable" for that individual. It will be for each person to decide how far they are willing to travel in order to extend their choice and this will need to be balanced between distance, value for money and choice. In addition, the time taken to travel to the service destination or the cost of alternative means of transport should also be taken into account by the assessing officer as these may be prohibitive for the individual.
- 6.15. Where a person who has previously used special education needs (SEN) transport is assessed as needing continued transport after the age of 25, Adult Social Care may consider allocating resources that will mean the provision of any of the following but not exclusively: shared transport or transport arranged at set times for college days, rather than individualised transport.
- 6.16. Where a person contributes towards the provision of a shared community vehicle, there is an expectation that this would be used to transport them to community activities, including college, assuming it is available to do so.

- 6.17. Where the individual is reliant on a relative or other carer to drive a mobility car, consideration must be given to supporting carer's respite needs, including enabling them to work. Nonetheless, if an individual or carer makes the decision that the car will not be used for the intended purpose the onus must be on the individual and/or carer to make alternative appropriate arrangements. Assessing officers must also ensure that a carer's reluctance or inability to assist with transport does not prevent an individual from accessing a service that meets their assessed needs and the individual/carer will need to make alternative arrangements.
- 6.18. Where there is conflict between the individual and carer, regarding Motability cars, officers may need to consider the possibility of reverting to a monetary allowance with the Department for Work and Pensions, if the individual so wishes. This would promote independence and allow the individual to take control of their own transport requirements. Consideration will be given to the impact of this option on individual-carer relationships and the need to avoid creating unnecessary conflict. In some circumstances, support from an independent advocacy service should be sought for the individual and, if necessary, the carer.
- 6.19. Where it is identified that a carer will provide transport, it is important that the assessor is able to demonstrate that the impact of this has been appropriately considered in an assessment of the carer's needs. Where it is concluded that the carer cannot provide transport because it would place an unreasonable demand on them, then the assessment should lead to an allocation of resource to meet the critical and greater substantial needs that can be met by enabling access to transport. Where carers or friends have been identified as being able to provide transport, alternative arrangements should be detailed in the contingency plan to cover periods where they are unable to do so.
- 6.20. In all other circumstances where a person has no access to their own transport and cannot walk, use assisted mobility (wheelchair/aids) or use public transport, either independently or with support, then the assessment should lead to an allocation of resources to meet critical and greater substantial needs that are adequate to access funded transport to and from services or activities.
- 6.21. There may be a need for periodic transport support for individuals in times of illness of themselves or their carer, or in relation to family circumstances, and a flexible approach will be taken in these situations. A review of the Care and Support Plan is appropriate in such cases.
- 6.22. Where a person uses a Direct Payment to purchase their social care services and are also eligible for transport, then the Direct Payment may be used to purchase transport which will support flexible solutions and client choice.
- 6.23. In some limited circumstances, the Council may explore the option of unpaid carers (family or friends) being paid a mileage payment in order for them to provide the transport to meet the assessed needs for travel if this is the most cost effective option.

7. Risk Enablement

- 7.1. Identification of risk should not be a reason not to try something new.
- 7.2. People have the right to take risks; however, others should not be put at risk because of this.

- 7.3. These risks should be identified in advance and strategies to manage and/ or minimise the risk be put in place. This need to be undertaken as a collaborative process with the person and their supports.
- 7.4. The use of risk assessments enables the choices of individuals to be respected and to find the safest way to help them manage these risks.
- 7.5. The assessment will promote a culture of risk enablement, taking into account that for people to develop and learn new skills this will present some challenges as people try things for the first time.
- 7.6. Key legislation that relates to the fulfilment of rights and choices and the minimising of risk of harm for an individual's include; the Human Rights Act 1998, the Mental Capacity Act 2005, the Mental Health Act 2007, the Disability Discrimination Act 1995, the Safeguarding Vulnerable Groups Act 2006 and the Carers (Equal opportunities) Act 2004, and the Equality Act 2010.
- 7.7. The legislation affects the rights of the everyday life of the individual including what they can and cannot do, their beliefs, their right to be protected from harm, torture and abuse and their rights to make decisions including unwise ones. An individual must have the capacity to understand information or to make decisions or to understand the risks associated with making the decision.
- 7.8. The person undertaking the assessment or review will explore how this will happen in practice and what contingency arrangements can be put in place should the planned travel arrangements not be able to take place
- 7.9. In exceptional circumstances, it may also be determined via a risk assessment that the person requires a 'passenger assistant' or an 'escort' to support the client to travel safely. This will be provided as part of the transport solution if this is required.

8. Monitoring, Review and Reassessment

- 8.1. Travel arrangements and any impacts this policy has on the ability of vulnerable people to access appropriate services to meet their eligible social care needs will be considered by assessing officers at a review or reassessment of the individual's needs.
- 8.2. Reassessments will take place at least annually. However, an individual or their authorised representative can request a review of their social care assessment at any time.
- 8.3. Any review and proposed removal of transport will be discussed with the individual. If appropriate, a time-limited transition period will be agreed so that alternative arrangements can be made.
- 8.4. If the individual disagrees with the assessment, Herefordshire Council has an appeals process see section 13.

9. Refusal of Services

- 9.1. If a person has been assessed as able to make their own transport arrangements but declines to do so and as a result is unable to attend the service for which they have an assessed eligible need this will be viewed as the person declining services.

- 9.2. Where a person has declined a service which they are eligible for, the assessor will evaluate whether the person has the capacity to make this decision.
- 9.3. If the decision is being made on behalf of another person, the assessor will check whether they feel the decision is being made in the best interest of the person who is eligible for the services.

10. Equality

- 10.1. Whether an individual receives a service directly from the council or makes arrangements to travel by taxi or another form of transport, they have rights not to be discriminated against as a client under the Equality Act 2010. Furthermore, service providers have obligations to make reasonable adjustments to ensure their provision is accessible.

11. Transport provision

- 11.1. Once assessed as requiring transport, the social worker will seek advice from the community broker to investigate community solutions. Where a purchased option is required consideration should be given to using a Direct Payment to enable the person to flexible arrangements.
- 11.2. Where the person has a Direct Payment for other services, then the council should offer a direct payment to seek a transport solution as this will give increased flexibility, before seeking a, commissioned service solution.
- 11.3. It may be necessary to make a request to the council's Passenger Transport Team/Broker to make the necessary arrangements, having regard to the assessed needs. Transport quotes will be arranged through the transport framework. Once arrangements have been made, these will be communicated to the case worker, who will inform the user.

12. Charging for Transport

- 12.1. Where assisted transport is provided the council operates a charging policy. The amount an individual will be charged will be subject to a financial assessment in accordance with the Care Act 2014 and the principles in the Care and Support Statutory Guidance. Where an individual is in receipt of Disability Living Allowance or Personal Independence Payments the mobility component of their award will be disregarded for the purposes of completing their financial assessment in line with Annex C of the statutory guidance. Where an individual incurs extra expenses for transport necessitated by illness or disability (Disability Related Expenditure) and receives council funded care these costs will be considered as part of the financial assessment process and allowances made in accordance with the council's Care and Support Charging Policy. In some cases, it may be reasonable for the council not to take account of claimed transport costs – if, for example, a suitable, cheaper form of transport is available but has not been used There will be no charge for people who receive aftercare services or support under Section 117 Mental Health Act 1983.
- 12.2. The Social Security Contributions and Benefits Act 1992 provides eligibility criteria in relation to the mobility component of a disability living allowance – statutory guidance makes it clear that mobility component payments are disregarded,:
- “73 (1) Subject to the provision of this Act, a person shall be entitled to the mobility component of a disability living allowance for any period in which he is

over the relevant age and throughout which (a) he is suffering from physical disablement such that he is either unable to walk or virtually unable to do so.

- (14) A payment to or in respect of any person which is attributable to his entitlement to the mobility component, and the right to receive such a payment, shall (except in prescribed circumstances and for prescribed purposes) be disregarded in applying any enactment or instrument under which regard is to be had to a person's means."

13. Appeals

- 13.1. Any appeals against a decision regarding transport provision should outline the grounds for appeal and Herefordshire Councils complaints process should be followed.
- 13.2. If a person disagrees with the outcome of their financial assessment to establish how much they should pay towards transport, they can ask for a review of the financial assessment, or they can appeal against the charges.
- 13.3. Requests for a review or appeal against charges should be directed to:

Welfare & Financial Assessment Team,
Elgar House, Holmer Road,
Hereford,
HR4 9BD.
Email to financialassessments@herefordshire.gov.uk

14. Complaints

- 14.1. Complaints about social care transport arrangements or this policy can be made to:

Complaints: Information Access Team, Plough Lane, PO Box 4, Hereford HR4 0XH
Email to accesstoinformation@herefordshire.gov.uk

15. Review of the Policy

- 15.1. The policy reflects our current position and will be reviewed annually, or as required to meet changes in local or national circumstances or legislation.

Document Classification

Author Name and Role	Mandy Appleby Head of AWB Operations
Date Created	
Date Issued	June 2018
Description	Assisted Transport Policy
File Name	Adult social care transport policy
Format	Microsoft Word / 2010
FOI/EIR Disclosure	Yes
Geographic Coverage	Herefordshire
Group Access	Public
Language	Eng
Master Location	<Intranet Info Library>
Publisher	Herefordshire Council
Rights Copyright	Copyright of Herefordshire Council
Security Classification	Public
Status	Draft
Subject	Transport -Adult Social Care Services.
Title	Adult Social Care Transport policy
Type	Policy

Consultation Log

Date sent for consultation	
Consultees	<p>a. <u>Herefordshire Council</u></p> <ul style="list-style-type: none"> • Legal • Directorate Leadership Team • AWB Operations • AWB Commissioning • WFAT • Central Transport Team

Approval Log

		Date
<i>Impact assessment completed by</i>		
<i>To be agreed by</i>	Director of Adults Wellbeing	
<i>To be approved by</i>	Director of Adults Wellbeing	
<i>Finally to be ratified by</i>		
<i>To be reviewed by:</i>		