



CABINET

Subject Heading:

Approval to implement a new Transport policy for Adults which sets out the Council's approach to the provision of travel assistance for Care Act 2014 eligible adult service users - ensuring an equitable needs-based system is in place across Adult Social Care.

Cabinet Member:

Councillor Gillian Ford, Cabinet Member for Health and Adult Care Services

SLT Lead:

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Policy context:

The Adult Social Care and Support Planning Policy states that Havering's vision is:

"Supporting excellent outcomes for the people of Havering by helping communities to help themselves and targeting resources and interventions to encourage independence".

Financial summary:

There are no financial implications of this change. The policy is to support social workers when assessing transport needs.

Is this a Key Decision?

Significant effect on two or more Wards

When should this matter be reviewed?

14/03/2025

Reviewing OSC:

People



Havering

LONDON BOROUGH

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents

X

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

SUMMARY

To approve the implementation of a New Transport policy which sets out the Council's approach to the provision of travel assistance for Care Act 2014 eligible adult service users - ensuring an equitable needs-based system is in place across Adult Social Care.

The New Transport policy sets out the Council's approach to the provision of travel assistance for Care Act 2014 eligible adult service users, ensuring an equitable needs-based system is in place across Adult Social Care.

It also outlines the criteria, that assessors should use to determine whether a service user should be provided with travel assistance, as part of their Care and Support Plan and seeks to ensure all suitable alternatives have been explored and exhausted.

RECOMMENDATIONS

To approve the Transport Policy attached at Appendix A.

REPORT DETAIL

1.0 Purpose

The Care Act (2014) provides a legislative framework as to how Adult Social Care assessments must be conducted and eligibility- determined. Travel assistance is considered as part of this broader assessment of a person's needs, outcomes and wellbeing.

The Act advises 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. Local Authorities do not have responsibility for the provision of NHS services such as patient transport, however they should consider needs for support when the adult is attending healthcare appointments'.

2.0 Policy summary

This Policy sets out the Council's approach to the provision of travel assistance for Care Act eligible service users, ensuring an equitable needs-based system is in place across Adult Social Care.

3.0 Scope

This Policy sets out criteria, which assessors should use to determine whether a service user should be provided with travel assistance, as part of a Care and Support Plan, and seeks to ensure all suitable alternatives have been explored and exhausted.

4.0 Timescales

The policy is applicable for the foreseeable future and will be reviewed annually.

5.0 Aims, objectives and outcomes

The decision to provide travel assistance, and the type of travel assistance provided, will be dependent on the needs and circumstances of the service user, as identified in their assessment. If an eligible transport need is identified the most appropriate travel method will be determined once all options have been fully explored and evidenced.

The assessment will focus on the service user's 'assets and strengths' - identifying their ability or potential ability to travel independently. The assessment should promote a culture of risk enablement, taking into account that for some service users to develop and learn new skills could take longer and require support. The focus of the Care and Support Plan will ensure skills in this area are maximised, a focus on achieving outcomes is maintained and independence attained wherever possible.

Service users who can travel to community, social or recreational activities, either independently or with support from family, friends, community partners or support providers (including volunteers) will usually be expected to do so. The Council will facilitate the signposting towards appropriate travel assistance options and/or travel training.

6.0 Detail

6.1 Transport and the Duty to Assess

- 6.1.1 The council has a duty to assess social care needs and a duty to meet eligible needs. If one of our service users has been assessed as needing social inclusion or a need to take part in social/leisure activities within the community, then we are under a duty to consider how they are going to get to and from the centre/service.
- 6.1.2 Transport is not in itself an eligible social care need but is a means of accessing other services or support. The overriding principle is that the decision to provide transport is based on a person's individual circumstances including needs, risks, outcomes and promoting independence.
- 6.1.3 Adult Social Care will only fund transport for people to enable them to attend an activity or community based services which is meeting an assessed social care need. Although a person may attend a specific community service or activity to meet their assessed needs, they will not be automatically eligible for transport to and from the service/activity. In exceptional circumstances transport may be considered for respite services that have been provided as part of a needs assessment.
- 6.1.4 The council has a duty to assess the needs of any service user for whom the authority may provide or arrange the provision of community care services and who may be in need of such services. They have a further duty to decide, having regard to the results of the assessment, what, if any, services they should provide to meet the individual's needs. A value for money approach will be taken and we will only fund what is a reasonable cost for transport.
- 6.1.5 Adult Social Care (ASC) has a duty to support someone to get to a service if:
 - The person using the service meets the eligibility criteria for ASC;

- Use of that service is assessed as necessary - it meets an assessed need;
 - The person cannot get to the service without support from the council.
- 6.1.6 When a need for transport is identified as an eligible need then the council are under a duty to ensure it is provided. It is not a discretionary service. If, following assessment, the council consider there is not an eligible need then it will explain in clear and logical/lawful terms why it has arrived at this decision.
- 6.1.7 The need for and purpose of transport must also be reflected clearly in the support plan setting out why the service user will be unable to access the service without it. On this basis transport is necessary to meet the outcomes outlined in the service users support plan. This would not be the case if the place a service user wanted to go was not necessary to meet the outcomes outlined in the support plan or if he/she could get there without help from the council or, if the he/she decides to attend a setting that is not the nearest available/out of borough.
- 6.1.8 Every service user's situation will be different but when assessing whether someone requires help from ASC with transport the council will consider the following:
- What support is needed to travel and can that be provided by natural supports?
 - Can the person learn to travel independently?
 - What are the relative risks of different options?

6.2 Eligibility Criteria

- 6.2.1 Travel assistance may be provided in situations where:
- the service user is travelling to a destination which is deemed to be essential in the context of their assessed Care Act eligible needs.
 - the service user is unable to travel safely to, and from, their destination, with or without mobility aids, either independently or with support from their Carer, family member(s), friend(s), Support Worker or volunteer.
 - the service user cannot use public transport, Concessionary Travel options, or similar either independently or with support.
 - there are specific Health and Safety reasons which means travel assistance may be necessary to safeguard the service user and / or others.
 - the service user is unable to attend their nearest community, social or recreational facilities because there is no space available or their cultural specific need cannot be met, and all other options have been explored and exhausted. This may be on a temporary basis until an appropriate place is found nearer to home.
- 6.2.1 Travel Assistance will not usually be provided in situations where:
- the service user is assessed as being able to travel safely to and from their destination, with or without mobility aids, either

independently or with support from their Carer, family member(s), friend(s), Support Worker or volunteer.

- the service user can use public transport, Concessionary Travel options, or similar either independently, or with support. Service users who qualify for Concessionary Travel will be expected to apply for and use this to meet their needs. The constraints of Concessionary Travel (i.e. no free travel before 09:30) will be taken into account during the assessment.
- the service user receives the higher rate mobility element of Disability Living Allowance or Personal Independence Payment. In this case, the service user will be required to fully utilise the benefit to access travel assistance.
- the service user has access to a private car, including a car leased through the Motability scheme. In this case, unless exceptional circumstances apply, the service user will be required to travel independently using that vehicle. If the service user uses their own vehicle or Motability car, no petrol costs or other expenses will be considered for funding by the Council.
- the service user requires support to travel to, and from, work. In this case, service users will be expected to apply for support from Access to Work in the first instance.
- the service user chooses to attend community, social or recreational facilities which are not the nearest available resource to meet their assessed need. In this case, the service user will be expected to travel independently or meet the cost of travel assistance.

This list is not exhaustive, and dependent on a holistic assessment of the service user's circumstances.

6.3 Escorts

6.3.1 Eligibility for travel assistance does not automatically mean the service user will have a need to be accompanied on their journey by an escort. This must be considered as part of the assessment and take into account the following factors:

- availability of the service user's Carer, family member or friends.
- the proposed method of transport (for instance, a service user travelling by bus will need a higher level of communication, understanding and mobility than a service user travelling 'door to door' in a taxi).
- mobility (e.g. a service user's ability to walk and transfer in and out of the proposed method of transport / building where the activity is taking place; risk of falls, risk of self-harm, etc.).
- communication difficulties.
- psychological factors (e.g. mental health, dementia, lack of confidence, agoraphobia, etc.).
- challenging behaviours whilst travelling.
- vulnerability, including impact of past experiences and risk of harassment.
- consideration of degenerative conditions.
- Mental Capacity.
- any other factors that may affect personal safety.

If the ability to travel would be made possible by an accompanying companion, assistance will be provided in applying for Attendance Allowance or Personal Independent Payment to pay for this.

6.4 Travel Assistance Options

- 6.4.1 *Access to Work* - Access to Work helps people to get or stay in work if they have a physical or mental health condition or disability. The support provided will depend on the person's needs. For more information, visit www.gov.uk/access-to-work.
- 6.4.2 *Freedom Pass* - Freedom Passes are managed by London Councils. There are three different Freedom Passes; Older Persons, Disabled Persons and Veterans. To apply for a Freedom Pass visit www.londoncouncils.gov.uk/services/freedom-pass.
- 6.4.3 *60+ London Oyster Photocard* – Transport for London manage these Oyster Photo cards. If you're 60 or over and live in a London borough, you can get free travel on our transport services. To apply for a 60+ Oyster Photocard visit <https://tfl.gov.uk/fares/free-and-discounted-travel/60-plus-oyster-photocard>.
- 6.4.4 *Blue Badge* - Blue Badges are managed nationally with a set national criteria - based upon a person's mobility and more recently 'hidden disabilities' such as Learning Disabilities and Mental Health needs). To apply for a Blue Badge visit www.gov.uk/apply-blue-badge.
- 6.4.5 *Taxi Card* - A Taxi Card offers subsidised travel in licensed taxis and private hire vehicles (minicabs) to London residents with severe mobility impairments or who are severely sight impaired. It enables members who have difficulty in using public transport to get out and about. Taxi Cards are managed by London Councils with a set eligibility criterion with option of discretion. For information, visit www.londoncouncils.gov.uk/services/taxicard.
- 6.4.6 *Dial-A-Ride* - Transport for London manages Dial-a-Ride. A person is automatically entitled to Dial-a-Ride if they have a Taxi Card. Dial-a-Ride does not operate at evenings and weekends and has limited spaces. As such, it is good to use Dial-a-Ride in the week and Taxi Card at weekends / in the evenings. For more information visit: www.tfl.gov.uk/modes/dial-a-ride.
- 6.4.7 *Accessible Public Transport* - Transport for London (TfL) has a wide range of resources and schemes to make travelling on London transport easier including Accessibility Guides, Please Offer Me A Seat Badge, DLR Community Ambassadors, Passenger Assist and Travel Mentoring. For more information visit <https://tfl.gov.uk/transport-accessibility/learn-to-use-public-transport>.
- 6.4.8 *Transport for All* - Transport for All is an organisation led by disabled and older people who champion the cause of accessible transport in London. Transport for All believes in a fully accessible, reliable and affordable transport network for disabled and older people. They

provide advice, information, advocacy and training. For more information visit: www.transportforall.org.uk.

- 6.4.9 *Motability Scheme* - The Motability Scheme enables people to get mobile by exchanging their mobility allowance to lease a new car, WAV, scooter or powered wheelchair. Residents can check they are eligible by visiting: www.motability.co.uk/about/check-your-eligibility.
- 6.4.10 *Travel Training* - Our travel training programme helps give young people with disabilities, special educational needs or additional needs the confidence and skills they need to be able to travel safely independently. The travel training programme can support students to learn how to use public transport, including buses, trains, tubes or a combination of different types of transport, and can support young people with finding and walking to destinations. For more information, visit: traveltraining@dabd.org.uk.
- 6.4.11 *Direct Payments* - A weekly payment given to service users for transport via taxi, transport services or mileage. Set rates apply and service users may be required to top up. A taxi is a motor vehicle licenced to transport passengers i.e. a black cab, mini cab or mini bus. Transport services is for a service run by PTS. And Mileage is paid per mile for use of own personal vehicle. It should be assessed if service user has an eligible need for transport. Consideration should then be given to the most appropriate way to meet this need.
- 6.4.12 *Directly Commissioned Services* - A transport service which is arranged and paid for by the council generally via transport services run by PTS or local taxi firms. It should be assessed if service user has an eligible need for transport. Consideration should then be given to the most appropriate way to meet this need. Costs are capped which may mean that costs are not met in full but partially requiring a top up by the service user.

6.5 Assessment Process

- 6.5.1 There are 4 stages in the process for assessment of eligibility for the provision of assistance with transport and the identification of appropriate transport as follows:
- Access to existing transport;
 - Assessment of mobility;
 - Assessment of ability to travel independently;
 - Identification of appropriate transport provision for those eligible.
- 6.5.2 Stage 1: Access to existing transport service users will not normally be eligible for transport if:
- They have a mobility vehicle which they drive themselves. In this instance there will be consideration of whether it is reasonable to expect that the service user will use that vehicle in order to travel to the location of the care service/activity.
 - They have a mobility vehicle of which they are not normally the driver themselves. Similarly, there will be consideration of whether it is reasonable to expect that the service user will use

that vehicle in order to travel to the location of the care service/activity.

- They have a Freedom Pass (and a reasonable public transport route is available), and have been assessed at Stage 3 as capable of independent travel.
- They receive the Mobility component of Disability Living Allowance, and this can adequately meet the cost of travel to meet their assessed social care needs and they have been assessed at Stage 3 as capable of independent travel.

6.5.3 Stage 2: Assessment of mobility. An assessment will be made of the service user's mobility. This will involve assessing issues such as:

- Ability to walk outside (including slippery/icy weather conditions).
- Requirement for wheelchair/ other walking aid.
- Ability to get in and out of property.
- Ability to get in and out of vehicle.
- Risk of falling without support.
- Ability to bear weight to transfer
- Whether mobile but at a risk when mobilizing due to uncontrollable movements
- Ability to use stairs, manage gradients, steepness of stairs in home, safety, energy levels.

Service Users will be categorized for this purpose as follows:

- No mobility problems.
- Limited mobility problems
- High/ complex mobility problems.

Some service users may need a weather plan put in place to ensure their safety during harsh or icy weather conditions.

6.5.4 Stage 3: Assessment of ability to travel independently. This assessment considers both physical and social reasons that enable or prevent the service user from travelling independently. This will include:

- Extent of the mobility problems identified in Stage 2.
- Availability of family/carers.
- Communication difficulties (for example ability to order taxi or use public transport).
- Psychological factors e.g. mental health, loss of confidence, agoraphobia.
- Experience or risk of harassment.
- Any other factors affecting personal safety.

The assessor will determine whether the service user:

- Is capable of travelling independently.
- Requires some training, support or assistance that will enable them to be capable of travelling independently in the near future.
- Not capable of travelling independently.

Stages 1 to 3 will determine the eligibility of the service user for some form of transport or transport assistance. Assuming the service user is eligible under Stage 1 (access to existing transport) then the eligibility will be determined as follows:

		Mobility problems		
		None	Low	High/complex
Capable of independent travel	Yes	Not eligible Use public transport Walk if more than 1km Use concessionary pass	Not eligible Use public transport Walk if more than 1km Use concessionary pass	Eligible May require door to door service
	Potentially	Eligible Directly-provided transport if no other suitable option	Eligible Directly-provided transport if no other suitable option as last resort	Eligible May require door to door service
	No	Eligible Designated pick-up points near home	Eligible Designated pick-up points near home	Eligible Requires door to door service

6.5.5 Stage 4: Identification of appropriate transport. Once eligibility has been assessed following the table above, it will be the duty of Adult Social Care services to make appropriate arrangements for transport. Directly provided transport services - whether internal or external - will be provided only once other alternatives have been considered and ruled out and not as a matter of course.

6.6 Review

6.6.1 The criteria detailed above applies at review, and at every stage where a service user's needs are being reassessed.

6.6.2 A service user being accustomed to travel assistance is not a criterion for the continuation of such provision where a suitable alternative has been identified. Any review and proposed removal of travel assistance will be discussed and agreed with the service user or their representative. If appropriate, a time-limited transition period will be agreed so that alternative arrangements can be made.

6.6.3 Once eligibility has been confirmed, the Council will facilitate appropriate arrangements for travel assistance, ensuring that the need is met in the best- value way.

6.6.4 Where service users move from Children's to Adult Social Care services, then their needs will be reassessed by Adult Social Care services in relation to the new services required.

6.7 Appeals Procedure

6.7.1 Any service user who is not satisfied with the Council's decision in relation to transport or the service provided, should in the first instance liaise with their allocated Social Care practitioner. Should the service remain dissatisfied, the resident may use the Council's Complaints Procedure.

REASONS AND OPTIONS

Reasons for the decision:

These are set out in the main report.

Other options considered:

Option 1 - Do nothing, continue with the current approach to assessing transport.

This option has been rejected because social care teams do not have clear guidance on assessing transport and the other travel assistance options available.

IMPLICATIONS AND RISKS

Financial implications and risks:

The policy is to support social workers when assessing transport need and will not cost anything to implement.

The 2023/2024-year end forecast for Adult Social Care transport is £1,104,502.32.

The implementation of the clear assessment process in this policy should reduce the spend on transport over time.

Legal implications and risks:

The Care Act 2014 requires the Local Authority to carry out assessments of need for potentially eligible individuals (section 9).

Such assessment will need to consider an individual's needs for care and support. The type of eligible needs is set out in legislation (Care Act and The Care and Support (Eligibility Criteria) Regulations 2014) These could include the need for transport to and from an activity.

The assessment of whether transport needs should be met by the Local Authority requires careful consideration of the facts of individual cases. There is a statutory complaints process should an individual consider that their needs have not been properly assessed or that the care and support plan is inadequate to meet their assessed need.

The proposed policy sets out how Social Care staff should assess the need for transport as part of the care and support planning process.

If as a result of this new policy some individuals have services previously provided withdrawn, then this could lead to challenge. The Authority therefore needs to have a careful and sensitive process for dealing with such cases.

Otherwise the policy appears lawful.

Human Resources implications and risks:

There are no Human Resources implications or risks.

Equalities implications and risks:

Havering has a diverse community made up of many different groups and individuals. The council values diversity and believes it essential to understand and include the different contributions, perspectives and experience that people from different backgrounds bring.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the council, when exercising its functions, to have due regard to:

- I. the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- II. the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- III. Foster good relations between those who have protected characteristics and those who do not.

Note: 'protected characteristics' are: age, gender, race and disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the council is also committed to improving the quality of life and wellbeing of all Havering residents in respect of socio-economics and health determinants.

It is important to the council to ensure that direct payments for social inclusion are relevant to our community's needs.

Health and Wellbeing implications and Risks:

The council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the council is also committed to improving the health and well-being of all Havering residents concerning socio-economics and health determinants.

Transport is an essential determinant of health because it is a fundamental enabler of access to services and social activities. Without access to transport, access to other services and social opportunities will be greatly limited. The new policy will include an assessment that promotes a culture of enablement, considering that for some service users to develop and learn new skills could take longer and require support. In addition, a focus on achieving outcomes is maintained, and independence is attained wherever possible. The policy will mitigate social exclusion and enable well-being by removing the barriers to transport, thus positively impacting the health and well-being of those in need who are eligible by the policy.

Environmental and Climate Change Implications and Risks:

There are no Environmental and Climate Change implications or risks.

APPENDICES

Appendix A – Transport Policy - Adults

BACKGROUND PAPERS

None