

Brighton & Hove City Council

Eligibility Policy for Provision of Transport for Adult Social Care service users

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1. Policy Statement

1.1 Adult Social Care provides transport through a variety of options to people with learning disabilities, people with mental health problems, people with physical disabilities and older persons across Brighton & Hove. This policy outlines how we will move towards a consistent and equitable way of supporting older people, adults with disabilities and/or mental ill health in provision of Council funded transport.

1.2 This policy is aimed at promoting the maximum possible independence for the service user, and sets the criteria that will be used to assess whether the service user's transport needs can be met best through independent travel arrangements or whether Council provided transport services are necessary.

1.3 This policy rests upon a general assumption and expectation that service users will meet their own needs for transport to access and take advantage of existing services or support.

1.4 Transport is not a service in its own right – it is a means of accessing services or support. The overriding principle is that the decision to provide transport is based on needs, risks and outcomes and on promoting independence.

1.5 Funded transport will only be provided if, in the opinion of the assessor, it is the only reasonable means of ensuring that the service user can be safely transported to an assessed and eligible service. Where there is appropriate transport available (either personal or public transport), it will be assumed that the service user will use this as a first option. Transport will only be provided if alternatives are unavailable or inappropriate for some reason.

2. Scope

2.1 The assessment of need forms the basis on which Adult Social Care responds to requests for assistance and is concerned with exploring a persons presenting needs and determining their eligibility for services. The provision of transport will only be considered in relation to meeting the needs of adults aged 18 years and over who have been assessed as eligible for services and/or support from Adult Social Care. As part of the Assessment and Care Planning process, the need to attend a community service and/or to pursue other activities away from the service user's home may be identified.

The need for transport to any community service or activity service must be part of the assessment of a persons needs and any subsequent review(s) and can only be provided where the person is eligible for a service as set out in Brighton & Hove City Council's Fair Access to Care Services Policy Eligibility Framework and Guidance.

2.2 Where an individual requests a Direct Payment to meet their assessed needs for care, the same principles will apply as to those people opting to receive support directly from Adult Social Care. The cost of transport will only be included in the Direct Payment where it is considered that the service user is eligible for this support.

2.3 The provision of transport is subject to a charge under the Council's Fairer Charging Policy. This policy may be reviewed from time to time, and changes may affect the charge which will be made for the provision of transport. All changes will be notified to all individuals who receive supported transport.

3. Legal Framework

3.1 Adult Social Care has a legal duty to provide transport to service users who are eligible for social care support in certain circumstances. The following legislation sets out that duty as follows:-

Section 47 (1) of the National Health Service and Community Care Act 1990 sets out the council's duty to assess an individual's need for community care services. It states that:

Where it appears to a local authority that any person for whom they may provide or arrange for the provision of community care services may be in need of any such service, the authority:

- a) shall carry out an assessment of his needs for those services; and
- b) having regard to the results of that assessment, shall then decide whether his needs call for the provision.

Section 29 (1) of the National Assistance Act 1948 provides a power to local authorities to make a variety of welfare arrangements for disabled people; the power becomes a duty by virtue of directions given by the Secretary of State.

Section 2 (1) of the Chronically Sick and Disabled Person's Act 1970 supplements and extends section 29(1) by placing a duty on local authorities to make arrangements for a range of welfare services where satisfied that it is necessary to do so to meet the needs of disabled persons to whom the section applies. Section 2(1) includes the provision of or assistance with, facilities for travel.

The Carers (Equal Opportunities) Act 2004, which commenced on 1 April 2005, promotes cooperation between authorities and requires councils to inform carers of their right to an assessment which takes into account their outside interests (work, study, leisure).

The arrangement for assessment and care management to meet the requirements of the NHS and Community Care Act 1990 and the Department of Health's guidance on 'Fair Access to Care Services' is set out in Brighton & Hove City Council's Adult Social Care Fair Access to Care Services Policy Eligibility Framework and Guidance.

4. Strategic links to Local and National Priorities and plans

4.1 The policy context is reflected by local and national priorities and plans which are set out in a number of key documents:

"Our Health, Our Care, Our Say" (2006) which gives a framework for the Adult Social Care to achieve a fresh approach in the delivery of all community based services and outlines that services need to centre on the person, promote increased choice and control, be flexible and responsive, promote a healthy lifestyle with an emphasis on maintaining a person's independence.

Putting People First, Transforming Social Care (2007) sets out the shared aims and values which will guide the transformation of Adult Social Care, which consists of 4 themes:

- Facilitating access to Universal Services – ensuring support and services are available to everyone locally including things like transport
- Building Social Capital – building a society where everyone has the opportunity to be part of the community and experience the support that can come from family and friends
- Prevention and Early Intervention – supporting people to stay independent for longer
- Choice and Control – developing self directed support and ensuring that services/support are able to meet people's needs

Valuing People – A new strategy for Learning Disability sets out the Government's commitment to improving people's lives, based on rights, social inclusion, choice and independence.

Valuing People Now (2009) sets out the priorities for Learning Disability Services. The main priorities are personalisation, so that people have choice and control, increased opportunities for day time and evening activities and inclusion in their communities.

5. Principles

5.1 The overarching principle is that as part of the Council's commitment to inclusion and independence individuals who can travel to a community activity, either independently or with assistance from family, friends or support providers will do so. Staff from Adult Social Care will act as facilitators in indicating appropriate transport options.

5.2 Following an assessment of need Brighton & Hove City Council funded transport will only be provided to meet an eligible assessed need. The transport provided will be appropriate for that need, will provide value for money and be cost effective.

5.3 People who qualify for concessionary travel i.e. bus passes, will be expected to apply and use this as and when appropriate according to assessed needs.

5.4 A principle of reasonableness will be adopted i.e. an exploration will be undertaken in any given situation as to whether it is reasonable to expect individuals to make their own arrangements, all transport options have been examined and the outcomes have been identified and evidenced.

5.5 This policy recognises that a reasonable charge will be applied for the provision of Brighton & Hove City Council funded transport. This is a low, fixed rate, charge which is not subject to a financial assessment but is compliant with the Council's Fairer Charging Policy.

6. Eligibility and Practice Guidance in determining the need for transport

6.1 The decision to provide assistance with transport must only follow a full assessment of mobility needs and the risks associated as part of the support planning process. The purpose of transport should be clearly stated on an individual's Support Plan.

6.2 In general, this Policy is based on the assumption that service users will travel independently except where assessment shows that this is not possible. The test used in the assessment should be 'what will happen if the Adult Social Care does not provide transport' i.e. are there other ways in which the service user can reasonably be expected to attend services and/or support making his/her own arrangements to get there. The provision and/or funding for transport should only be considered if the service user has needs categorised in accordance with the Council's Fair Access to Care Services Eligibility Framework and Guidance.

6.3 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

6.3.1 Stage 1: Access to existing transport

Service users will not be eligible for transport if:

- 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 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.

Service users with the following will only be eligible for transport if they are assessed at Stage 3 as not capable of independent travel:

- Mobility component of Disability Living Allowance

6.3.2 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
- 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

6.3.3 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, and lack of insight into dangers associated with independent travel.
- 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.

6.3.4 Stage 4: Identification of appropriate transport

Once eligibility has been assessed as above, it will be the duty of the Adult Social Care 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.

6.4 The range of transport service provision includes:

- Assistance with using public transport, e.g. travel buddies.
- Transport by parents/carers - supported by a direct payment to cover payment of mileage allowance if appropriate
- community transport or a taxi service (council managed or via direct payment)
- Transport in Council vehicles, e.g. minibuses

6.5 Resources from Adult Social Care are unlikely to be allocated specifically to meet transport related needs where an individual

- Is in receipt of the higher rate mobility component of the Disability Living Allowance, the purpose of which is to assist those who have mobility problems, with severe difficulty walking or who need help getting around out of doors. Under normal circumstances no-one in receipt of the higher rate mobility allowance would receive funded transport, unless there are factors limiting their ability to fully utilise the benefits of the allowance e.g. geographical location, the nature of the disability, wheelchair type or carer support requirements. The support plan will determine the level of support offered in these circumstances as part of the assessment process.

NB. The Social Security Contributions and Benefits Act 1992 section 73(14) states that while social services authorities are empowered but not obliged to charge for such transport services, in assessing a persons ability to pay, his/her mobility component of DLA if received must be ignored.

- Lives in a registered residential care home and the individual is assessed as having the ability to travel independently, or with minimal intervention, then the care home will make provision to support independent travel if they are responsible for transport arrangements. If the individual is a tenant in supported accommodation or adult placement scheme, they will be subject to the same assessment and care planning arrangements as people living in their own homes or with relatives. In some circumstances the cost of the placement covers the full range of support needs, including transport, to attend community activities including college.
- Where transport costs are included in residential care fees, the person should be charged the fixed rate contribution in the same way as all others are charged for funded transport.

6.6 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.

6.7 Where people incur extra expense for transport, in addition to normal daily living costs, related to their impairment (Disability Related Expenditure - DRE) this will be assessed and agreed as part of the financial assessment process and allowances made in accordance with the Council's Fairer Charging Policy. This may reduce the amount the person would otherwise have to pay for means tested charges e.g. for Day Care services.

6.8 Part of the individuals' 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 Support Plans and be subject to regular review to monitor progress.

6.9 The Council's policy on Sustainability highlights the promotion of walking, cycling and public transport. The focus should be that where practicable activities should be sought within the local community and closer to people's homes e.g. using "It's Local Actually". The services of Shopmobility and mobility scooters also should be promoted.

6.10 Where a person cannot attend their nearest community activity including college or a day opportunity because there is no placement available the assessor may make a case requesting 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.

6.11 Geographical isolation may be a factor in an individual's ability to access services outside the home. People living in outlying areas of the City may experience additional barriers in terms of the frequency and number of buses they are required to use, or the prohibitive 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.

6.12 Where a person, who has previously been using Special Education Needs transport (SEN), is assessed as needing continued transport after the age of 19, Adult Social Care may consider allocating resources that will not be adequate for individualised transport options (i.e. not arranged to meet individual convenience). This may mean the provision of any of the following but not exclusively: shared transport or transport arranged at set times for college days.

6.13 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.

6.14 Where the individual is reliant on a relative or other carer to drive a mobility car, consideration must be given to supporting carers respite needs, including enabling them to work. None the less, 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.

6.15 Where there is conflict between the individual and carer, regarding "Motability" cars, officers may need to consider the possibility of reverting back 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 service user/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.

6.16 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 resources to meet the critical and 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.

6.17 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 substantial needs that are adequate to access funded transport to and from services or activities.

6.18 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/Support Plan is appropriate in these cases.

6.19 Once it has been agreed that the individual will be provided with funded transport, a referral must be made to the Transport Section who will undertake an evaluation to procure suitable transport provision, taking into account the needs and wishes of the individual, the views of any carer or representative/advocate, health and safety risk assessment factors and value for money.

7. Implementation

7.1 This policy will be applied from 1st April 2014 to any new adult social care service users and also to existing service users. For existing service users this Policy will be implemented at the time of their annual review.

7.2 For those existing service users who will lose their eligibility for transport under this Policy, their circumstances will be considered sympathetically and it is envisaged that there will be a transitional period of up to 3 months to support them to travel independently or to make use of alternative arrangements following their re-assessment/annual review.

8. Periods of Absence

8.1 Where an individual does not require their transport, then providing they give 48 hours notice, to the Access Point (Adult Social Care) they will not be charged for the transport but will still be required to contribute to the cost of any other support they continue to receive. Where notice has not been given, charges may only be waived at the discretion of the appropriate Service Manager, e.g. emergency admission to hospital. (This is in accordance with the Fairer Charging Policy).

8.2 If an individual is allocated a place on supported transport, it is essential that the place is fully utilised. Therefore, if the individual is absent for more than a month, either through illness or on a planned basis, they will be subject to a review to ensure that continuation of the previous service will be appropriate to meet their needs. Their place may be re-allocated during this time if the need arises. In some cases it may be appropriate to keep the place open, but this must be by agreement with the care manager, day service provider, transport provider and the individual.

9. Monitoring, Review and Reassessment

9.1 Travel arrangements and any impacts this policy has had 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.

9.2 An individual or their authorised representative can request a review of their social care assessment at any time.

9.3 If the individual disagrees with the assessment and wishes this to be reconsidered then they should contact the Team Manager within 10 days of receipt of the assessment outcome. Following such a notification from the service user the Operations Manager will review the assessment carried out by the assessing officer. This will normally be completed within 10 working days and a written reply provided detailing and setting out the reasons for maintaining or revising the assessment. The Operations Manager will acknowledge receipt of the service users request and notify them of the timescales involved and when they will be receiving a response.

9.4 At any time in this process the individual or their representative can make a complaint under the Council's Corporate Complaints Procedure.

10. Complaints

10.1 Brighton & Hove Adult Social Care's Complaints Policy welcomes and responds positively to all comments, compliments and complaints as a means of demonstrating it's commitment to working in partnership with individuals and carers.

10.2 The Adult Social Care Complaints System comprises of one stage after which the complainant should be advised to refer the matter to the Local Government Ombudsman. A copy of the Complaints Procedure is available on request.

10.3 Although complainants can refer their complaints from the outset, or at any stage, to the Local Government Ombudsman, they will not normally be investigated until the Council has conducted its own investigation and made a response.

More information is available from:
complaints@brighton-hove.gov.uk

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