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LONDON BOROUGH OF BROMLEY
Education, Care and Health Services

Eligibility Policy for the Provision of Transport for Adult Social Care Service Users

Version 10

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1. Policy Statement

- 1.1 This policy should be read in conjunction with the Contributions Policy Non-Residential Care Services and the Fair Access to Care Services (FACS) leaflet available via the Bromley website.
- 1.2 Adult Social Care provides transport through a variety of options to people with learning disabilities, mental health problems, physical disabilities and older people across Bromley. This policy outlines how the Council will move towards a consistent and equitable way of supporting older people, adults with disabilities and/or mental ill health in the provision of Bromley Council funded transport.
- 1.3 This policy is also being introduced because day opportunities are expected to undergo fundamental change, with a move away from people attending day centres at fixed times, to activities taking place in the community, at locations and times chosen by the service user. This policy supports those changes.
- 1.4 The provision of adult social care is aimed at promoting the maximum possible independence for the service user. In extending this principle to the provision of transport, this policy sets the criteria that will be used to assess whether the service user's transport need can be best met through independent travel arrangements, privately funded transport or whether Council arranged and funded transport assistance is necessary.
- 1.5 This policy rests upon a general assumption and expectation that wherever possible, service users will meet their own needs for transport to access and take advantage of services, or support to facilitate them.
- 1.6 Transport 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 on promoting independence.
- 1.7 Funded transport will only be provided if, in the opinion of the assessor, there is no alternative and appropriate transport available (be it personal, with the assistance of family / friends or public transport) and it is the only reasonable means of ensuring that the service user can be safely transported to an assessed and eligible service.

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 in accordance with the Fair Access to Care Services policy adopted by Bromley.

People aged 18 years and over and who require assistance to access full-time education are referred to the SEN transport policy.

- 2.2 Where an individual is provided with a Personal Budget or 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 Personal Budget or Direct Payment where no other suitable alternative is available and it is considered that the service user is eligible for this support.
- 2.3 The provision of Council funded transport is not subject to a charge under the Council's 'Contributions Policy Non-Residential Care Services'. The policy may be reviewed from time to time.

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 their needs for those services; and
- b) having regard to the results of that assessment, shall then decide whether their 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 is set out within the 'Fair Access to Care Services' 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 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 Governments commitment to improving peoples' 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.

The policy is also in alignment with the Council's strategic document Building a Better Bromley where there is a focus upon independence and wellbeing for Bromley's residents.

5. Aims of the policy

- 5.1 The aim of this policy is to reflect national and local priorities whilst underpinning the proposed changes to the existing arrangements for access to and the provision of Bromley's Council funded day opportunities.

The policy is based upon:

- Promoting independence
- Maximising choice and control
- Supporting a healthy lifestyle
- Improved quality of life
- Maximising dignity and respect
- The provision of local accessible services and support

6. Principles

- 6.1 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. Adult Social Care will facilitate the signposting towards appropriate transport options.
- 6.2 People who receive higher rate disability allowance and those who qualify for concessionary travel assistance such as: bus passes, Blue Badges, Motability Vehicles and Taxi Cards will be expected to apply and use this as and when appropriate according to assessed needs.
- 6.3 Prior to providing transport assistance, 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.
- 6.4 Following an assessment of need, 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.

7. Eligibility and Guidance in determining the need for transport

- 7.1 The decision to provide assistance with transport will follow consideration of the existing (non-Council funded) transport options that are available. An assessment of the risks associated with using non Council funded transport and a person's mobility will be part of the

support planning process. The purpose of transport should be clearly stated on an individual's Support Plan.

7.2 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 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.

7.3 Assessment of eligibility, for the provision of transport assistance, will be undertaken in consideration of:

- The availability of existing transport
- The ability of a person to travel independently with regard to their physical mobility and other factors that may introduce risk

7.3.1 Availability of existing transport:

Council funded transport will not be provided to service users if:

i) They have their own or 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 day opportunity.

If it is unreasonable, the appropriateness of the provision of a Motability vehicle should be questioned and alternative available transport provision 7.3.1 (ii – v) considered.

ii) They have a "Motability" 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 day opportunity.

If it is unreasonable, the appropriateness of the provision of a Motability vehicle should be questioned and alternative available transport provision 7.3.1 (iii – v) considered.

iii) They have carers / neighbours / family / friends who are able to transport them. Please note that 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, alternative available transport provision 7.3.1 (iv – v) must be considered.

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.

iv) They have a taxi card which they are able to use to attend the day opportunity. In cases where a service user's ability to use the taxi card without a reasonable level of risk is questionable – please refer to 7.3.2.

v) They have a bus pass which they are able to use to attend the day opportunity. In cases where a service user's ability to use the bus pass without a reasonable level of risk is questionable – please refer to 7.3.2.

7.3.2 Assessment of capability to travel independently

Where it has been established that no existing transport access is available, or its use may introduce unreasonable levels of risk to a person when travelling independently ('travelling independently' means being able to travel without Council funded transport), an assessment will be undertaken.

The assessment will be undertaken in consideration of the proposed method of transport (for instance, a person travelling on a bus will need a higher level of communication, understanding and mobility than a person travelling 'door to door' in a taxi).

The assessment will include:

- Mental capacity
- Communication difficulties
- Psychological factors e.g. mental health, dementia, agoraphobia
- Vulnerability – including impact of past experiences
- Any other factors that may affect personal safety

and issues regarding mobility such as:

- Ability to walk outside
- Requirement for wheelchair / other walking aid
- Ability to enter and leave a property
- Ability to get in and out of a vehicle
- History of falls
- Ability to use stairs

The assessor will use this information to determine whether the service user:

1. Is capable of travelling independently on the proposed method of transport without an unreasonable level of risk
2. Requires some training, support or assistance that will enable them to be capable of travelling independently in the near future
3. Is not capable of travelling independently on the proposed method of transport and will therefore recommend a method of Council funded transport that is appropriate to their needs

7.4 Identification of appropriate transport

Once eligibility has been confirmed via assessment as detailed above, it will be the duty of Adult Social Care to facilitate appropriate arrangements for transport. Directly provided transport services will be provided only once other alternatives have been considered and ruled out. The range of transport assistance may include:

- Assistance with using public transport, e.g. travel buddies
- Use of a Motability vehicle funded from higher rate mobility component of Disability Living Allowance
- Taxi journey – shared with other clients
- Taxi – solely for the use of the client
- Transport in Council funded vehicles, e.g. minibuses

7.5 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 person's ability to pay, his/her mobility component of DLA if received must be ignored.

- lives 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. If the individual is a tenant in extra care

housing, supported accommodation or an 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.

- 7.6 There is no single definition of what is a reasonable distance/time to access day opportunities 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 but if they choose to access a service further than one capable of meeting their assessed need, they will be required to fund the additional transport cost from their own resources.

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.

- 7.7 Geographical isolation may be a factor in an individual's ability to access day opportunities outside the home. People living in rural or outlying areas of the Borough 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.

- 7.8 Where the individual is reliant on a relative or other carer to drive a Motability car, consideration will 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 Motability vehicle will not be used for the intended purpose the onus must be on the individual and/or carer to make alternative appropriate arrangements.

8. Implementation

- 8.1 This policy will be applied from XX XXXXX 2014 to any new adult social care service users
- 8.2 It is not currently intended to retrospectively apply this policy to any service users in receipt of transport prior to the policy implementation date stipulated in 8.1. The Council will review people's transport arrangements as day services change and are modernised.

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 if at any time they consider their needs have substantially changed..
- 9.3 At any time in this process the individual or their representative can make a complaint under the Council's Complaints Procedure.

10. Complaints

- 10.1 Bromley welcomes and responds positively to all comments, compliments and complaints as a means of demonstrating its commitment to working in partnership with individuals and carers.
- 10.2 A copy of the Complaints Procedure is available on request.

More information is available from:

Email: socialcarecomplaints@bromley.gov.uk

Telephone: 020 8313 4491

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