

# TRANSPORT ALLOCATION POLICY – FINAL 26<sup>TH</sup> May 2015

## for adults in receipt of social care services

### 1.0 Introduction

This policy establishes guidance around the provision of transport within a person's support plan and outlines a distinct set of criteria by which assessors of social care may determine whether an individual should be provided with statutory local authority assisted transport services or Social Care funded transport as part of a support plan. It will also identify uniform criteria, in which resources can be allocated, ensuring fair access to social care services, by the principles of equality and fairness, applied reasonably and consistently. This policy will be reviewed on a regular basis to allow for future legislation.

The duty upon Cambridgeshire County Council as a local authority is

“to provide travel or assistance with travel arrangements for ‘Chronically Sick’ or ‘disabled’ persons lies within section 2(1)(d) of the Chronically Sick and Disabled Persons Act 1970.”

Cambridgeshire County Council fulfils this duty in two main ways:

- Funding allocated in an agreed support plan for provision of transport whether that is an arranged provision or funded by direct payments.
- Provision of local authority run assisted transport, where this is arranged by the County Council on behalf of an individual

This review takes place in light of changes in the delivery of social care options. It reflects the need to provide services that:-

- offer choice respecting an individual's right to take risk,
- promote user independence, and
- maintain a duty of care that protects the most vulnerable of service users.

The policy also determines the:-

- allocation criteria to transport services,
- provision of escorts,
- support in selecting independent travel options that promote independence and choice.
- resource authorisation and approval methods,
- assessment review, and
- financial management following the cancellation or variation of transport provision.

Consideration of transport provision will be for the following categories of service users:

- Older People's Services
- Physical Disability Services
- Sensory Services
- Users of Mental Health Services
- Learning Disability Services
- Drug and Alcohol Users
- Services Users with acquired immunodeficiency syndrome (Aids/HIV)

Such service users will have been assessed as being in 'critical' or 'substantial' categories of need, as identified in an assessment, in line with 'Fairer Access to Care Services' which will be replaced by the national eligibility criteria set out in the Care Act 2014

The introduction of direct payments and individualised budgets allows for not only:-

- flexibility in the choice of transport provision to meet individual needs, but also
- supports the local authority's duty to achieve efficiency savings in the key area of local authority expenditure.

# **TRANSPORT ALLOCATION POLICY – FINAL 26<sup>TH</sup> May 2015**

## **for adults in receipt of social care services**

### **2.0 Legal framework**

**The Care Act 2014 consolidates all previous legislation relevant to Adult Social Care.**

**The relevant legislation pertaining to transport is as follow:-**

Section 29 of the National Assistance Act 1948 defines those within local authorities have the power to make provision for 'welfare services'.

Namely – 'Local Authorities shall have the power to make arrangements for promoting the welfare of persons for whom the section applies, that is to say persons that are blind, deaf or dumb, and other persons who are substantially and permanently handicapped by illness, injury or congenital deformity or such other disabilities as may described by the Minister'.

Chapter 44, section 22 (1)(d) of the 'Chronically Sick and Disabled Persons Act 1970, clarifies the areas of need to the authority to make arrangements.

Namely '2-(1) where a local authority having functions under section 29 of the National Assistance Act 1948 are satisfied in the case of any persons whom this applies who is ordinary resident in that area, that it is necessary to meet the needs of that person for that authority to make arrangements for all or any of the following matters, namely –  
'(d) the provision for that person of facilities or assistance in travelling to and from their home for the purpose of participating in any services provided under arrangements made by the authority under the said section 29 or, with approval by the authority, in any services which could be provided under any such arrangements.

The role of provided transport is to assist participation in services for all those who meet Cambridgeshire County Council's eligibility criteria.

It should be noted that Parliament is progressing a new Care Act. There is nothing specific around transport issues but its impact may affect this policy. This Policy will be reviewed as further information comes to light.

### **3.0 Assessment and criteria**

Following a social care assessment that identifies eligible needs, Cambridgeshire County Council (CCC) will consider all transport options set out in section 3.1 before considering the provision of transport through the following methods:

- Transport directly provided to access services, mainly day services, provided either by contracted vehicles or by our own In-House vehicles
- Locality Teams arranging transport using volunteer drivers or private taxi firms.
- An individual making their own arrangements using a Direct Payment

This approach will support the development or maintenance of skills in independent travel and ensure efficient use of the Council's resources. Where transport is provided the assessed need for the assistance to access services will need to be clearly documented.

Where a service user is found to be eligible for the provision of transport services, two categories of provision arise. One is unaccompanied travel. The other is travel with support from a travel escort (see section 3.2 below).

### **3.1 Assessment for independent travel options taking into account an assessment of risk**

Transport will not be provided where the following options are available.

## **TRANSPORT ALLOCATION POLICY – FINAL 26<sup>TH</sup> May 2015**

### **for adults in receipt of social care services**

- a) it is possible for the service user to walk to the venue
- b) there is accessible public or community transport available within the given period of time
- c) the use of public transport does not place the service user in a position of risk of being harmed (eg physical or verbal abuse from other passengers)
- d) the service user is able to walk, or get public transport, without risk associated with ability, behaviour or health
- e) the service user could benefit from a programme of 'travel training' designed to equip the individual with the skills, and confidence, required to travel independently by public transport, were it to become available
- f) The service user has their own transport
- g) The service user has access to transport provided by a carer, relative or friend
- h) The service user is able to purchase transport services directly using benefits such as mobility allowance, or a concessionary bus pass
- i) The service user is able to access door to door transport schemes such as 'Dial a Ride'. If they cannot, then the reason should be listed. The funding of this transport needs to be determined
- j) Where the user has a vehicle provided by the 'Motability scheme' which should be appropriate to meet the service user's transport needs, CCC would expect that vehicle to be used as transport for the user to and from services identified as needed by the user through assessment
- k) Where a family carer is expected to drive a 'Motability' vehicle they should be asked to do so. However, assessors should be aware of a requirement to balance the needs of the family carer, identified in the family carers own assessment, against any responsibilities to assist with transport for the person that they care for. Other family members/friends should not be using the vehicle when required by the service user
- l) If there is no-one available to drive the 'Motability' vehicle eg because the family carer(s) or named driver works, consideration needs to be given to alternative sources of funding, such as a direct payment, or to arranged provision or to fund another driver
- m) Where people live in settings where their care is funded by the Adult Social Care Service (e.g. Residential Care, Supported Living Schemes), the cost of the placement will meet the full range of support needs, including transport, to attend community activities, including college and all-day opportunities
- n) Where people are living in adult placement on a long term basis, it will be expected that the cost of the placement will meet their full range of support needs, including transport to community activities and college
- o) Where people contribute towards the provision of a shared community vehicle, such as in 'Supported Living' settings, there is an expectation that this would be used to transport them to community activities including college

The procedures for assessing independent travel options must include an assessment of risk, in accordance with a professional judgement and expertise of the assessor, taking into account eligibility criteria.

### **3.2 Circumstances where CCC assisted transport may provide a passenger assistant**

CCC assisted transport may be provided when the person is found to have an eligible need, following their assessment, to attend a particular service and, following an assessment of independence and risk, is found not to be able to use any of the available options identified in 3.1; and when it is identified in a carers comprehensive assessment that not providing transport would place an unreasonable, and additional, responsibility on the carer or family member.

Service users, assessed as being unable to travel unaccompanied, will usually be provided

## **TRANSPORT ALLOCATION POLICY – FINAL 26<sup>TH</sup> May 2015 for adults in receipt of social care services**

with transport with a passenger assistant. The passenger assistant provides assistance over and above that offered by the driver of the vehicle.

A local authority assisted transport passenger assistant may be provided when the service user has been assessed as having eligible needs for social care services following their assessment and, following an assessment of independence risk, is found not to be able to use any of the available options mentioned in 3.1 and where any of the following conditions apply:-

- a) the service user may pose a risk to themselves or any passenger or to the driver when travelling.
- b) the service user has experienced epileptic seizure during the previous two years while travelling. It should be noted that the passenger assistant may not be able to administer medication.
- c) the service user's experience is severe and/or enduring medical conditions, including learning disabilities and mental health problems, that might affect their ability to travel without assistance.

A passenger assistant may also be provided following risk assessment where a grouping of adults determines the need for one

### **3.3 Provision of CCC assisted transport to services not commissioned directly by CCC**

Some service users access services not commissioned directly by CCC Adult Social Care services, but may be assessed as being eligible for transport to access such services.

These include:-

- further education funded colleges,
- lifelong learning courses,
- community opportunities
- voluntary placements and
- work

In such circumstances, the service user's need for transport provision must be assessed if the service to be accessed is to be incorporated in to the support plan, as part of the assessment for critical or substantial needs. A CCC assessment will take into consideration the independent travel options in 3.1.

Where service users choose to attend college courses outside the boundaries of the CCC, transport to, and from, the college will not be provided, even if it has been provided under Children's Services.

CCC will not usually meet the cost of a service user's travel to, and from, residential further education colleges at the start, or end, of the term. Nor the start, or end, of mid term breaks. This is a family or personal responsibility.

### **3.4 Health, Safety and Approval to transport**

#### **3.4.1 Seat Belts**

Seat belts must be provided in all CCC commissioned transport either local authority assisted or arranged through a support plan and worn by drivers, passenger assistants and passengers at all times. [UK Seatbelt Guide](#)

Any request, or need, to opt out of this requirement will be considered on health grounds only. This must be accompanied by written relevant evidence, e.g. medical reports and risk assessments.

## **TRANSPORT ALLOCATION POLICY – FINAL 26<sup>TH</sup> May 2015**

### **for adults in receipt of social care services**

#### **3.4.2 Transporting service users with life limiting conditions**

There will be times when people with life limiting conditions could be taken seriously ill during transit. In this situation the care plan and or risk assessment for the individual should be followed and appropriate emergency services used. With these kind of situations the escort may wish to use professional judgment as to continuing with the journey and not causing others distress and respectfully managing the situation.

#### **3.4.3 Managing expectations of people with complex needs in Local Authority Assisted Transport**

Transport requires service users to be transported as safely and effectively as possible. Service users who have any of the following issues should seek approval from the transport department prior to agreeing **any** form of transport provision.

##### **3.4.3.1 Non industry standard wheelchairs**

Wheelchairs that are owned by Service Users that might not be on the approved list must be assessed but may be refused if they cannot be safely secured in the vehicle due to the type of chair involved. Users may need to transfer safely to a seat on the transport provided.

##### **3.4.3.2 Epilepsy management**

Clients whose epilepsy cannot be safely managed by risk assessment and care plan, may need to be reviewed by transport and a multidisciplinary assessment of the transport and risks understood.

##### **3.4.3.3 Behaviours that may challenge**

People who exhibit behaviours that may be challenging should have a detailed risk plan of how to manage these incidents or a joint decision to individually transport should be based on a case by case situation.

#### **3.4.4 Medication**

Medication for a service user will be carried on CCC assisted transport for use by the named person. If a requirement to administer medication to the service user occurs, then the person required to administer it must be appropriately trained. A risk assessment must be in place and the transport company must know the identity of the trained person.

### **4.0 Carers**

Under the Carers and Disabled Children Act 2000, eligible carers are given the right to request an assessment of their own needs for services. Whilst there is no prescribed menu of services that can be offered, the Carers (Equal Opportunities) Act 2004 states that local authorities, when carrying out carers assessments, must consider how service provision will impact on the carers lives, with regard to;

- work
- education
- training and
- leisure

It is expected that, where possible, the carer, who is a named driver of a 'Motability' vehicle, should be able to transport the service user to and from the venue. However, It must be recognised that this may not be an option if such an arrangement contradicts the carer's assessment of need, as identified in the 2004 Act.

#### **4.1 Part carer provision/part CCC care provision**

It may be determined that a carer can be provided with transport, for the person that they care for, up to an agreed maximum commitment each week. This may result in a carer

## **TRANSPORT ALLOCATION POLICY – FINAL 26<sup>TH</sup> May 2015 for adults in receipt of social care services**

providing transport on certain days of the week, with CCC providing transport either through the assisted transport provision or alternative arrangements agreed within the support plan on the remaining days. These arrangements must be within current guidelines and meet the requirement of the carer's assessment. Details of the arrangement must be recorded in both the services user's and carer's assessments.

### **5.0 Approval and resource allocation of CCC Assisted Transport**

1. Social and Education Transport Team (SETT) should be consulted before final agreement for transport provision is agreed. SETT will be able to indicate costs and resource availability. (This to be expanded on through SLA).
2. All transport proposals must be written into the Support Plan prior to approval by relevant manager.
3. Written approval can then be submitted to SETT alongside the transport request.

### **5.1 Direct payment and arranged provisions as part of self directed support**

Transport requirements, and costing will be included as an item in an individual's support plan. This may also include the paying of public transport costs for a personal assistant if deemed essential for the Service User to access services. This must be clearly stated in Support Plans.

### **6.0 Assessment review**

All transport arrangements will be reviewed as part of the annual assessment review. The criteria detailed in sections 3 and 4 will apply. Where a service user is accustomed to assisted travel this will not be a criteria for the continuation of such provision. Where it is felt that an individual may already be able, or could develop the skills to travel independently, a full assessment for independent travel, including an assessment of risk, will be carried out, and an appropriate transport package will be identified. However, transitional plans must be put in place to ensure any risks are managed and access to a service is maintained, e.g. whilst the service user undertakes a programme of travel training, should such an option become available.

Any changes to a Service Users Care Package as a result of this Policy can only be made as an outcome of a statutory review/assessment.

### **7.0 Charges to service users**

All assisted transport provided, or arranged, by CCC Adult Social Care Services is subject to a charge per journey. The charge will be reviewed in line with inflation on an annual basis.

Transport agreed within a support plan (other than CCC assisted transport) is included in the financial assessment made around contributions to care and there is no additional charge for these services.

### **8.0 Financial management – cancellation or variation of transport costs or provision**

Social care assessors and practitioners will remind service users each time transport provision is re-assessed that, where transport provision is provided, service users must notify them, directly, of any planned journey cancellation at least 24 hours in advance. Late cancellations will result in a charge for journeys not taken. Where the reason for cancellation is not foreseen, for example sickness on the day, each case will be considered on its merits.

# **TRANSPORT ALLOCATION POLICY – FINAL 26<sup>TH</sup> May 2015**

## **for adults in receipt of social care services**

### **9.0 Appeals and complaints procedure**

Any service user who is not satisfied with the local authority decision in relation to transport, or the nature of the service provided, will have the right to instigate the CCC complaints procedure. In conducting an investigation into the complaint the appropriate manager will look at the operation of the policy and procedure, and will also be able to consider any special circumstances that may apply to any applicant including cases of financial hardship.

If the service user continues to remain dissatisfied with the outcome of their complaint there is a right to appeal, through the CCC Adult Social Care complaints procedure, for the investigation and decision to be reviewed. Dissatisfaction with the council policy itself cannot be considered through this process, although the usual rights and representation are available.

### **10.0 Review of Policy**

This policy will be reviewed one year after implementing and then on a rolling three year basis as a minimum. This policy will also be reviewed in light of any external and/or internal policy changes which may have an impact on its accuracy.