


Meeting / Date	Cabinet / 12th January 2023	
Report Title	Adult Social Care Transport Policy	
Cabinet Portfolio	Councillor Mitchell, Portfolio Lead Member for Adult Services	
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Wards affected	All	
Public Access	OPEN	
Appendices	<p>Appendix 1 – Adult Social Care Transport Policy</p> <p>Appendix 2 – WF ASC Transport Policy Information Pack</p> <p>Appendix 3 – WF ASC Transport Policy Consultation Response Form</p> <p>Appendix 4 – WF ASC Transport Policy Easy Read Response Form</p> <p>Appendix 5 – Public Consultation Report</p> <p>Appendix 6 – Equalities Analysis</p> <p>Appendix 7 – Climate Change Impact Matrix</p> <p>Appendix 8 – Referral from Adult Social Care Scrutiny</p>	

1 SUMMARY

- 1.1** The London Borough of Waltham Forest does not currently have a policy for allocating transport to meet eligible needs under the Care Act (2014). This has led to inconsistency in the provision of transport to day opportunity placements which is not always based on the individual's level of need.
- 1.2** This report proposes to introduce an Adult Social Care Transport Policy to ensure that a fair, consistent and transparent approach is taken to identifying and meeting the transport needs of residents where these have been clearly identified in their Support Plan, and all other suitable alternatives to meet the needs have been explored and exhausted.

- 1.3 A six-week public consultation on this draft policy took place between 12th September and 21st October 2022. Due to a recommendation from the Adult Social Care Scrutiny Committee, further views were sought from service users and carers by the Council's Markhouse Centre and Intensive Dementia Outreach Service staff between 7th and 18th November 2022.
- 1.4 The Policy was reviewed by the Adult Social Care Scrutiny Committee on 3rd November 2023, who have made recommendations which are set out and responded to in paragraph 3.15 of this report.

2 RECOMMENDATIONS

- 2.1 Cabinet is recommended to agree the Adult Social Care Transport Policy at Appendix 1.

3 PROPOSALS

- 3.1 Adult Social Care has a legal duty to provide transport to meet outcomes for service users who are eligible for social care support in line with the Care Act (2014).
- 3.2 There is no accurate data for the number of people currently receiving Council-organised transport. This is because most private sector providers incorporate any transportation costs within the overall day care tariff, whereupon it cannot be isolated within the Council's Mosaic recording system from the wider service costs. In addition, the transport provision for people in receipt of a Direct Payment is not recorded on the Mosaic system.
- 3.3 The London Borough of Waltham Forest do not currently have a policy for the allocation of transport for people to meet eligible needs under the Care Act (2014).
- 3.4 The lack of a policy and resulting absence of a systematic approach to allocating transport has led to the inconsistent provision of transport, which is not always commensurate with someone's level of need.
- 3.5 This report proposes to introduce an Adult Social Care Transport Policy. This would outline a systematic and equitable approach to meeting the transport needs of residents with eligible needs under the Care Act (2014).
- 3.6 The policy would harmonise the provision of transport across different service providers. Currently different providers have various criteria for providing transport. It would also require the Care Manager to record any transport provision separately on

Mosaic, enabling an accurate oversight as to what is being provided and the reasons for allocation.

3.7 The proposed policy is based on the following principles:

- Promoting Independence and enablement
- Maximising choice and control
- Dignity
- Improving quality of life
- Supporting health and wellbeing
- Accessing local and universal services
- Person-centred and personalised outcomes.

3.8 The proposal is for an adults-only policy at this stage rather than an all-age policy. This is because the policy relating to the provision of transport for children and young people aged 5 to 19 years (up to 25 years for young people with an Education, Health and Care Plan) is informed by a different legislative framework. In addition, the London Borough of Waltham Forest's Home to School Travel Assistance Policy was introduced in March 2021.

3.9 The decision to organise transport would be based on an individual's individual circumstances, including assessed needs, risks, outcomes and the promotion of independence.

3.10 The assessor will explore how any mobility component of any Disability Living Allowance or Personal Independence Payment is being used to meet the person's wider transport needs and whether the benefit could be utilised to meet the assessed need. For example, if the person with the assessed need has a Motability car and their carer is at home during the day, could the car be used to transport the person to their day care provision rather than use a place on a Council-commissioned minibus? It should be emphasised that there is no automatic assumption within the Policy that the mobility component will be used to meet assessed needs, since every individual's circumstances will be reviewed on a case-by-case basis.

3.11 Once eligibility has been confirmed then it will be the responsibility of the Care Management teams to facilitate and support with appropriate arrangements as necessary. The transport provided will be appropriate for that need and offer value for money. Reviews and reassessments would take place at least annually or where a significant change of need is identified.

3.12 Where transport is provided, any charges would be subject to a financial assessment in accordance with the Council's Fairer

Contributions Policy. The charge will be separate and in addition to a charge for a day opportunity provision.

- 3.13** If this policy is confirmed by Cabinet, then existing service users will be reviewed via a managed programme. People entering the Adult Social Care system will be accessed using the policy at their initial assessment.
- 3.14** When drafting this policy, similar policies were reviewed from other local authorities where available, including Bromley, Caerphilly, Derbyshire, Enfield, Hounslow, Stoke on Trent, Suffolk, Hereford, Warwickshire, and Worcestershire.
- 3.15** This Policy was reviewed by the Adult Social Care Scrutiny Committee on Thursday 3rd November 2022. The recommendations from the Committee and service responses are shown in the table below:

Scrutiny Committee Recommendations	Service Response
Services to conduct further engagement exercise with service users and carers prior to Policy going to Cabinet.	Further conversations were held with carers by staff from the Markhouse Centre and the Intensive Dementia Outreach Service. Follow-up emails were also sent to third sector partners. A further ten responses were received as requested by the Committee. Please see Appendix 5 for more details.
Services to consider seeking legal advice to ensure there is no conflict between the Care Act and the Equality Act within the proposed policy.	These concerns related to the potential scenario, whereby the nature of someone's disability could result in them being unable to access public transport for free using the Council-funded Freedom Pass. They may then be financially assessed and may have to contribute towards the cost of their transport for meeting their eligible needs under the Care Act. However, a person who could access public transport could potentially use a Freedom Pass to travel to a similar provision for meeting

Scrutiny Committee Recommendations	Service Response
	<p>their Care Act eligible needs for free.</p> <p>Further legal advice was sought in response to concerns. As a result, the Equalities Analysis was updated with this potential scenario with the mitigation that individuals would be assessed on a case-by-case basis, with individualised solutions being identified where appropriate.</p>
<p>Services to review the policy to ensure those who have access to transport will not be automatically excluded from access to Council transport.</p>	<p>The policy was reviewed, and the text amended to clarify that there would be no automatic exclusion to Council transport for those with access to alternative forms of transport. Each case would be dealt with on an individual basis.</p>

3.16 Other discussion points raised during this meeting, but not included within the recommendations, are listed below:

Scrutiny Committee Discussion Point	Service Response
<p>There was a concern that the consultation questions were overly complex or unclear.</p>	<p>The further consultation undertaken with individuals after the Scrutiny meeting was supported by staff via the phone, who could therefore address any confusion.</p>
<p>Do services have sufficient knowledge to confirm that the policy would be cost neutral.</p>	<p>There are no cost savings associated with the introduction of this policy, and no cost implications are anticipated due to its implementation. However, there is always some uncertainty around longer-term financial implications.</p>
<p>There was a concern that cognitive considerations did not have sufficient prominence in</p>	<p>Section 7.2 of the Policy has been updated to specifically refer to cognitive functioning.</p>

Scrutiny Committee Discussion Point	Service Response
the assessment policy.	
The Committee questioned the decision to disqualify those with carers and mobility vehicles from eligibility for local authority transport to day care services.	The Policy does not disqualify those with carers and mobility vehicles from eligibility for local authority transport to day care services. The text in section 8.5 of the Policy has been amended to clarify this.

4 OPTIONS & ALTERNATIVES CONSIDERED

4.1 The only alternative option is for Adult Social Care to continue allocating transport without a transport policy.

4.2 This is not recommended for the following reasons:

- The provision of transport would remain inconsistent without any systematic rationale for allocation.
- There would be no mechanism for ensuring that the provision of transport would be commensurate with someone's level of need without a standardised assessment process.
- It would be more difficult for decisions around transport to be challenged without a clear and transparent Policy.
- The provision of transport by day care providers would continue to not be aligned across the market. For example, a provider could continue to offer transport to all attendees, without reference to their eligible needs, with the costs subsumed within their standard day care tariff.
- Individuals may not be incentivised to take measured risks to maximise their independence.
- There would continue to be no accurate data available regarding transport provision for meeting Care Act eligible needs, as mentioned in Section 3.2.

5 SUSTAINABLE COMMUNITY STRATEGY PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)

5.1 Following the strategic direction of LBWF's Families at the Heart of Our Place strategy, the policy would be:

- Personalised and universal: considering people's unique circumstances and leaving no-one behind.

- Strength-based and co-productive: building on people's strengths and do 'with' not 'to'.
 - It would also enable us to be better informed by evidence and data to shape our thinking and measure our impact.
- 5.2** This Policy aligns with the Waltham Forest Joint Strategic Vision and Commissioning Plan for Adults with Learning Disabilities 2018-2023, 'Not Forgotten' A Five-Year Dementia Strategy for Waltham Forest 2021 – 2026, and the All-Age Autism Strategy, whereby the provision of adult social care is aimed at promoting the maximum possible independence for the service user.
- 5.3** The principles within this policy align with those outlined within the London Borough of Waltham Forest Home to School Travel Assistance Policy (5 – 25 years).

6 CONSULTATION

- 6.1** The proposed policy would affect approximately 200 service users with a directly commissioned adult day care provision.
- 6.2** A six-week public consultation on this draft policy took place between 12th September and 21st October 2022. This was in line with Care Act 2014 guidance and the Council's Public Sector Equality Duty under section 149 of the Equality Act 2010. Further targeted consultation took place between 7th and 15th November 2022, as recommended by the Adult Social Care Scrutiny Committee (see Section 3.15).
- 6.3** During the consultation, residents and other parties who have an interest in this Policy were able to participate through:
- Completing a paper-based or online feedback form
 - Completing an easy-read paper-based or online feedback form
 - Attending one of three face-to-face meetings, held during weekday evenings and at the weekend
 - Joining either or both of two Zoom meetings
 - Speaking with members of Council staff who completed the online forms on the participants' behalf.
- 6.4** The consultation was advertised using the following methods:
- It was featured on the Council's homepage throughout the consultation period and letters were sent out to all service users and carers for both the Markhouse Road day opportunities service and the Intensive Dementia Outreach Service.

- The consultation was also promoted through the Council's Facebook account and Twitter feeds on four occasions, with a total of 6,009 Facebook account and 3,385 Twitter accounts reached.
- The consultation was also featured in the Care Providers newsletter and Residents' News.
- The Community Learning Disabilities Team received a dedicated briefing, whilst day opportunity providers were informed at two sessions.

6.5 Third sector organisations were informed via the Connecting Communities' notice board and individual communication.

6.6 The results of the public consultation are included as Appendix 5 of this paper.

7 IMPLICATIONS

7.1 Finance, Value for Money and Risk

7.1.1 There are no direct financial implications in the introduction of the Adults Transport Policy itself. However, any additional costs arising from any aspect of implementing any new policy will need to be modelled and met from within existing and future Adult Social Care budgets.

7.1.2 The total cost for providing transport to meet residents' eligible needs under the Care Act (2014) cannot be fully established due to the transport elements of a Package of Care not always being recorded separately from the day care provision on the Council's Mosaic system.

7.1.3 There are no savings targets associated with the introduction of the policy.

7.1.4 As part of the implementation of the new policy, a review of the current fees and charges for service users in Markhouse Day Centre and the Intensive Dementia Outreach Service, including the transport element should be undertaken to ensure a consistent approach and that the fees reflect the service delivery model.

7.1.5 The overall financial effect of the introduction of this policy cannot yet be accurately predicted since it is dependent on the following variables:

- the Care Management teams establishing which of those in receipt of a Package of Care has a transport component and recording this on the Mosaic system.

- the Integrated Commissioning team confirming the cost of the transport component across the seven organisations that currently provide transport. These vary across providers, and one charges different rates according to the distance travelled. Other providers do not separate out the transport element from the day care cost, whereby they would need to do so to conform with the policy.
- the Care Management teams undertaking the transport reviews, in line with the proposed policy, as part of the annual review. This means that any changes will be staggered throughout the year. Those entering the Adult Social Care system would have their transport reviews undertaken as part of the initial assessment process. In addition, any changes to transport provision would need to be implemented through a managed process, allowing people to adapt to the new changes in a person-centred transition process.

7.2 Legal

- 7.2.1 The legal framework in respect of the LBWF transport policy is set out within the Care Act 2014; this paper rightly refers to the Council's Fairer Charging Policy which explains how service users will have a financial assessment in respect of their financial contribution for the provision of transport services as assessed as an eligible need (s9 Care Act 2014) and recorded in a support plan as to how that need will be met (s18 Care Act 2014).
- 7.2.2 The Care Act 2014 and the Care and Support (Eligibility Criteria) Regulations 2015, together with the Care and Support Statutory Guidance provide the legal framework for making such decisions. People with assessed eligible needs and their carers have the right to have their views considered by the Council when it is assessing and considering provision for support or services. On the basis that the transport policy has incorporated the outlined legal framework, the proposed Transport Policy is lawful.
- 7.2.3 The proposed policy was consulted upon. The process complied with the legal requirements to ensure that it provided full and adequate information for an intelligent response and an adequate time for a response. To complete this process, Members must conscientiously take into account the views expressed by those who have taken part in the consultations that have taken place as set out in the Public Consultation Report at Appendix 5 when making their decision. Consultation responses are not binding on members but need to be taken into account.
- 7.2.4 The Equality Act 2010 requires public authorities to have due regard to the need to eliminate discrimination and advance equality of opportunity. The Council must further consider its wider Public Sector Equality Duty (PSED) under s.149 of the Equality Act

2010 when making its decision. Members are referred to Appendix 6, (the Equality Analysis) that sets out the nature of the duty.

- 7.2.5 Members must carefully consider the impacts identified and be satisfied that the mitigation set out provides a sufficient safety net.

7.3 Equalities and Diversity

- 7.3.1 The policy will affect Waltham Forest residents aged 18 and over who have eligible needs pursuant to the Care Act (2014), their carers and their families. The former are therefore 'disabled' as defined within the Equality Act (2010). In addition, 32% of those in receipt of day care packages are aged 65 and over, which is significantly greater than the 11% of Waltham Forest residents as a whole who are within this age bracket. Therefore, a significant proportion of those affected will also share the protected characteristic of 'age'.
- 7.3.2 An Equalities Analysis has been undertaken and is included as Appendix 6.
- 7.3.3 The analysis of those who are currently in receipt of Council-arranged transport is hampered by the lack of accurate recording on the Mosaic system, as discussed in Section 3.2.
- 7.3.4 The Equalities Analysis has shown that some cohorts sharing protected characteristics appear to be disproportionately in receipt of Council-arranged transport for day care when compared to those receiving day care overall. The reasons for this are unclear but may be related to issues around the quality of the data.
- 7.3.5 The Equalities Analysis acknowledges that there could be a potential for unequal treatment in the event that the nature of someone's disability results in them being unable to access public transport for free using the Freedom Pass, then they may be financially assessed and have to contribute towards the cost of their transport for meeting their eligible needs under the Care Act. However, a person who is able to use a Freedom Pass could potentially travel to a similar provision for meeting their Care Act eligible needs for free. The mitigation for this would be to review each individual on a case-by-case basis, with individualised solutions being identified where appropriate.
- 7.3.6 The introduction of an adults Transport Policy will enable us to better understand the reasons for transport being provided on an individual scale, since it would require an assessment to be undertaken and the reasoning for decisions to be stated on the Support Plan. This will allow for any inequitable provision to be addressed with confidence in the supporting data, and also highlight root causes for this.

7.4 Sustainability (including climate change, health, crime and disorder)

- 7.4.1 It is anticipated that the impact on the local economy of introducing a Transport Policy would be to increase diversification of different transport options to support people in meeting their Care Act eligible needs. For example, people who have previously been transported on a minibus to a day service may instead receive travel training to use public transport, freeing up a space on the minibus to accommodate someone else who would be unable to use a public transport due to their support needs.
- 7.4.2 There would be an expected positive impact of a Policy on people's health and wellbeing. In many cases it would promote independence and enablement and encourage people to access local and universal services. If appropriate, it could also improve people's health by encouraging people to walk to their day opportunities provision.
- 7.4.3 A Climate Change Impact Matrix has been completed and is included as Appendix 7. It anticipated that the introduction of a Transport Policy would a beneficial effect on climate change by:
- Encouraging usage of more sustainable transport options if appropriate and within an acceptable level of risk.
 - Allowing the Council to quantify the use of Council-organised transport options through more accurate recording on the Mosaic system.

These anticipated outcomes would be in line with the declared Climate Emergency and adopted Climate Action Plan.

7.5 Council Infrastructure (e.g. human resources, accommodation or IT issues)

- 7.5.1 The introduction of a Transport Policy is not anticipated to significantly increase the workload of Care Management staff, since they already consider transport requirements during the assessment process. This Policy would simply formalise this process and ensure that it is recorded both in the support plan and on the Mosaic System.
- 7.5.2 The Policy would require the Integrated Commissioning team to work with the seven day opportunity providers who currently provide transport to establish costs for this element. However, this work is already being undertaken as part of the wider market-shaping activity.

**BACKGROUND INFORMATION (as defined by Local Government
(Access to Information) Act 1985)**

None.