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1 Policy Statement

- 1.1 This policy should be read in conjunction with the Council's Fairer Contributions Policy for Non-Residential Care and Support and Personal Budgets and the national eligibility criteria set out in the Care Act 2014.
- 1.2 This policy outlines how the Council will move towards a consistent and equitable way of supporting people who meet the eligibility criteria for the provision of a day opportunities service in the provision of funded transport to the service.
- 1.3 In alignment 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, 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 needs can be best met through independent travel arrangements, privately-funded transport or whether Council arranged and funded transport assistance is necessary.
- 1.4 The principles within this policy are also aligned with those outlined within the London Borough of Waltham Forest Home to School Travel Assistance Policy (5 – 25 years).
- 1.5 The decision to provide transport assistance will be determined once all alternative transport options have been fully explored, evidenced and deemed not appropriate through the support planning process.

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2 Scope

- 2.1 The need for transport to a day opportunities provision must be part of the assessment of a persons' needs and any subsequent review(s) and can only be provided where the person meets the eligibility criteria for either service.
- 2.2 Where it is reasonable to do so, the provision of Council funded transport will be subject to a charge that will be reviewed annually in line with the Council's Fairer Contributions Policy for Non-Residential Care and Support and Personal Budgets. It should be emphasised that there is a difference between the budget setting process of arriving at a charge for the service and what a service user has to pay based on their financial assessment.

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 Care Act 2014 sets out that duty as follows: 'The national eligibility criteria set a minimum threshold for adult care and support needs and carer support needs which local authorities must meet. All local authorities must comply with this national threshold'.
- 3.2 The Act details 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'. The responsibilities of local authorities are clearly set out with regard to carers and their assessment.

4 Aims of the policy

- 4.1 The aim of this policy is to reflect national and local priorities including access to a day opportunities provision within Waltham Forest.

5 Principles

- 5.1 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. 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, community partners or support providers (including volunteers) will be encouraged and supported to do so. Adult Social Care will facilitate the signposting towards appropriate transport options.
- 5.2 During the support planning process, assessors should fully explore with the person or their carer how the mobility component of DLA/PIP is being used to meet the person's wider transport needs and, whether the benefit may be utilised to meet the assessed transport need. The Support Plan should address this and record any flexible arrangements that are agreed with the person and where applicable their carer. Any residual unmet transport needs will then be considered, and it will be recorded in the Support Plan how these are to be met. The Support Plan must explain clearly how this decision was made.

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- 5.3 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.
- 5.4 The assessment will promote a culture of risk enablement, taking into account that for people to develop and learn new skills this will present some challenges as people try things for the first time.
- 5.5 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.

6 Eligibility and Guidance in determining the need for transport

- 6.1 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.
- 6.2 In general, this policy is based on the assumption that service users will normally travel independently except where assessment shows that this is not possible. The test used in the assessment should be 'what will happen if the Council 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 national eligibility criteria set out in the Care Act 2014.

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

- The Care Act 2014
- 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 including conditions that will lead to the deterioration of a person's ability to travel without assistance.

7 Assessment of capability to travel independently

- 7.1 Where it has been established that no existing transport provision 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.
- 7.2 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) and will follow the principles set out in the Care Act 2014. The assessment will include:

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- Mental capacity
- Communication difficulties
- Psychological factors, including cognitive functioning, e.g. mental health, dementia and agoraphobia
- Vulnerability, including impact of past experiences
- Consideration of degenerative conditions
- The availability of support from family, friends, community partners or support providers (including volunteers)
- 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
- Degenerative conditions.

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

- Is capable of travelling independently on the proposed method of transport without an unreasonable level of risk
- Requires some training, support or assistance, and if such support or assistance is available to the individual, that will enable them to be capable of travelling independently in the near future
- 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.

8 Identification of appropriate transport

- 8.1 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.
- 8.2 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 may be required to fund the additional transport cost.
- 8.3 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.

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- 8.4 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.
- 8.5 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.

9 Risk Enablement

- 9.1 Identification of risk should not of itself be a reason not to try something new.
- 9.2 People have the right to take measured risks; however, others should not be put at risk because of this.
- 9.3 These risks should be identified in advance and strategies to manage and/ or minimise the risk be put in place. This need to be undertaken as a collaborative process with the person and their supports.
- 9.4 The use of risk assessments enables the choices of individuals to be respected and to find the safest way to help them manage these risks. Where an individual is unable to make a decision for himself or herself in relation to a matter because of an identified capacity issue, then a Best Interest Decision will be made, in line with the provisions set out in the Mental Capacity Act 2005 section 4.
- 9.5 Key legislation that relates to the fulfilment of rights and choices and the minimising of risk of harm for an individual include; the Human Rights Act 1998, the Mental Capacity Act 2005, the Mental Health Act 2007, the Disability Discrimination Act 1995, the Safeguarding Vulnerable Groups Act 2006 and the Carers (Equal opportunities) Act 2004, and the Equality Act 2010.
- 9.6 The legislation affects the rights of the everyday life of the individual including what they can and cannot do, their beliefs, their cultural life, their right to be protected from harm, torture and abuse and their rights to make decisions including unwise ones. An individual must have the capacity to understand information or to make decisions or to understand the risks associated with making the decision.
- 9.7 The person undertaking the assessment or review will explore how this will happen in practice and what contingency arrangements can be put in place should the planned travel arrangements not be able to take place.
- 9.8 It may also be determined via a risk assessment that the person requires a 'passenger assistant' or an 'escort' to support the client to travel safely. This will be provided as part of the transport solution if this is required.

10 Monitoring, Review and Reassessment

- 10.1 Travel arrangements and any impacts this policy has on the ability of vulnerable people to access appropriate services to meet their eligible social care needs will be

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considered by assessing officers at a review or reassessment of the individual's needs.

- 10.2 Reassessments will take place at least annually and where a significant change of needs develops. However, an individual or their authorised representative can request a review of their social care assessment at any time.
- 10.3 Any review and proposed removal of transport will be discussed with the individual or their representative. If appropriate, a time-limited transition period will be agreed so that alternative arrangements can be made.

11 Equality

- 11.1 Whether an individual receives a service directly from the Council or makes arrangements to travel by taxi or another form of transport, they have rights not to be discriminated against as a client under the Equality Act 2010. Furthermore, service providers have obligations to make reasonable adjustments to ensure their provision is accessible.
- 11.2 The assessor will record information relating to the individual being assessed in line with the Council's public sector equality duty (s.149, Equality Act 2010).

12 Charging

- 12.1 Where assisted transport is provided, and it is deemed reasonable, then the Council operates a charging policy. The amount an individual will be charged will be subject to a financial assessment in accordance with the Care Act 2014 and the principles in the Council's Fairer Contributions Policy for Non-Residential Care and Support and Personal Budgets. The maximum charge payable will be established through the annual budget setting process, whereas the financial assessment process will determine the final charge for the service user.

13 Implementation

- 13.1 This policy will be applied from [date] to any new day opportunities service users, and for existing service users through the annual review process.

14 Complaints

- 14.1 The London Borough of Waltham Forest 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. A copy of the Complaints Procedure is available on request.

15 Review

- 15.1 This policy reflects each direct service's current position and will be reviewed annually, or as required to meet changes in local or national circumstances or legislation.