

Committee/Date:	Cabinet – 12 th January 2023
Report Title:	Adult Social Care Scrutiny Committee Referral: Adult Social Care Transport Policy
Directorate:	Finance and Governance
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Wards affected:	All
Public Access	Open
Appendices	None

1. SUMMARY

- 1.1. The report outlines the referral to Cabinet and recommendations to services made by the Adult Social Care Scrutiny Committee following consideration of the draft Adult Social Care Transport Policy.
- 1.2. The Scrutiny Committee considered the draft policy at its meeting on 3 November 2022.

2. RECOMMENDATION

- 2.1. The Adult Social Care Scrutiny Committee recommend that Cabinet:
 - 2.1.1. Receive the referral made by Adult Social Care Scrutiny Committee following its consideration of the draft policy.

3. BACKGROUND

- 3.1. The Adult Social Care Scrutiny Committee received the draft Adult Social Care Transport Policy and noted that the absence of a policy risks potential inequality in services for residents. They expressed concern around consultation responses, legal implications, and fair access.
- 3.2. **Recommendation 1:** that further engagement via face-to-face discussion with service users at their day services and a minimum increase in responses by 10.
- 3.3. The Committee were concerned that the 13 respondents did not represent the 200 current service users, noting that of those

respondents, most were carers, and that the consultation was not accessible to service users.

- 3.4. **Recommendation 2:** that further legal advice be sought on the application of the policy in the context of equal access under the Care Act and the Equality Act.
- 3.5. There was concern that the policy may introduce discrimination, particularly in the case of persons for Freedom Passes for whom public transport is inaccessible.
- 3.6. **Recommendation 3:** that the policy be reviewed to ensure that those who have access to transport will not be automatically excluded from access to Council transport.
- 3.7. There was concern that the policy might exclude those with access to transport outside of Council provision (i.e. through informal carers and/or mobility vehicles).
- 3.8. The Committee also suggested that the policy give greater prominence to cognitive considerations which may pose equal or greater accessibility issues than limitations to physical mobility.

4. SERVICE RESPONSE

- 4.1. The Adult Social Care Scrutiny recommendations and proposed Service Responses are below:
- 4.2. **That services conduct further engagement with service users and carers prior to Cabinet consideration of the policy.**
- 4.3. 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 of the Cabinet report for more details.
- 4.4. **That services seek further legal assurance that there is no conflict between the Care Act and the Equality Act within the proposed policy.**
- 4.5. 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 their Care Act eligible needs for free.

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.

That prior to Cabinet consideration, services review the policy to ensure that those who have access to transport will not be automatically excluded from access to Council transport.

- 4.6. 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.