



## CABINET – 9 JANUARY 2018

### ADULT SOCIAL CARE TRANSPORT POLICY

#### REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

##### PART A

##### Purpose of the Report

- 1 The purpose of the report is to seek the Cabinet's approval of the revised Adult Social Care Transport Policy 2018, which has been updated to reflect legislative changes and updated practice in the Adults and Communities Department. The Policy sets out circumstances in which adult social care service users are entitled to receive transport costs from the County Council. Service users will not be affected by the changes.

##### Recommendations

- 2 It is recommended that the revised Adult Social Care Transport Policy, attached at Appendix A to this report, be approved.

##### Reasons for Recommendations

- 3 It has been necessary to revise the Adult Social Care Transport Policy in order to reflect changes in legislation; it remains broadly similar to the existing Policy. The amendments will also ensure that any revisions to operational guidance are aligned to an up-to-date Policy and corresponding legislation. As the changes will not have a significant effect on service users there is no requirement for formal consultation. (Note: this is separate from the Council's *School Transport Policy* which affects a different group of service users and will be the subject of a future report to the Cabinet following recent consultation).

##### Timetable for Decisions (including Scrutiny)

- 4 Subject to the Cabinet's approval, it is intended that the updated Policy will be implemented with immediate effect, along with accompanying staff guidance.

##### Policy Framework and Previous Decisions

- 5 The existing Adult Social Care Transport Policy was approved by the Cabinet in July 2010.

- 6 The Care Act 2014 was implemented in April 2015 and replaced the NHS and Community Care Act 1990 and other legislation which directed duties on local authorities around the provision of service and support within adult social care.

### **Resources Implications**

- 7 There are no resources implications arising from the recommendations in this report. The social care transport budget is a centralised joint budget for Children and Family Services and the Adults and Communities Department (the budget is held and managed by the Environment and Transport Department). It contains all transport spend where the County Council has arranged fleet (minibus), voluntary and community sector transport and taxi provision (Direct Payment spend or worker mileage to transport individuals is contained within departmental budgets).
- 8 The budget outturn for social care transport in 2016/17 was £3.3m. For the last seven years approximately 80% of the social care transport expenditure has consistently related to adult social care journeys. During the same period, the level of spend for adult social care has remained relatively constant; this demonstrates that the change in legislation in 2015 has not had a material impact on spend.
- 9 The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

### **Circulation under the Local Issues Alert Procedure**

None.

### **Officer to Contact**

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**PART B****Background**

- 10 The purpose of the Adult Social Care Transport Policy is to set out the circumstances in which adult social care service users are entitled to receive transport services from the County Council. It ensures that transport is provided consistently and fairly to people who meet the national eligibility criteria for social care and support. The Policy is applied by commissioning workers in the Adults and Communities Department as part of the wider social care needs assessment and support planning activity with a service user. The Environment and Transport Department arranges transport for eligible service users as dictated and requested by the Adults and Communities Department.
- 11 The Council is required to consult with stakeholders on any proposed policy changes that will affect service users significantly. However, the proposed new Policy does not describe a major change in the Council's approach, but rather seeks to clarify existing practices and ensure that these are compliant with its duties under the Care Act 2014.
- 12 The new Policy therefore remains broadly similar to the current one and, for example, the eligibility for transport continues to be based on meeting an assessed social care need (the threshold for transport has not changed), individuals are advised and supported to promote their independence and, where an individual has no other means of travelling, transport will be provided. The changes made to the Policy will not affect service users and formal consultation is not therefore required in this instance.
- 13 The need to update the Policy was identified following the introduction of some internal process improvements to the adult social care transport process; it was not possible to update internal operational guidance without referencing the latest legislation (which needed to be correctly reflected in Policy). Improvements have been aimed at ensuring operational staff within the Adults and Communities and Environment and Transport Departments have a clear understanding of their roles and responsibilities in the setting up and cancelling of transport journeys with the primary objective of ensuring transport journeys (e.g. taxis, fleet buses and voluntary sector transport) are planned as efficiently as possible, available spaces on vehicles are maximised based on well communicated information between departments, and people are charged correctly for the transport they receive.
- 14 It must be noted that these improvements do not effect who is eligible for transport and therefore those currently receiving social care transport will not have their arrangements reviewed as a result of this policy amendment. New internal operational guidance will be launched to reflect the revised Policy and legislation.
- 15 There are approximately 600 adult social care service users that have planned transport journeys through the County Council at any given time with additional unplanned one-off journeys set up for other individuals where they are at risk and need to be transported for safeguarding or emergency respite reasons.

## **Proposed changes**

- 16 Prior to April 2015, the County Council maintained an eligibility threshold for social care services set at substantial needs, meaning that support was provided to people with substantial or critical needs. These eligibility arrangements changed with the implementation of the Care Act in April 2015. This new legislation for adult social care introduced a national minimum eligibility threshold which had to be adopted by all local authorities. The Government's intention was to ensure that the new threshold enables local authorities to maintain their previous levels of access to care and support, by setting it at a level that equates to the substantial threshold already used by most authorities. Therefore, although the eligibility criteria for social care now falls under a new legal framework, people receiving social care services at present (including transport to meet social care needs) are already assessed as the most vulnerable adults in Leicestershire and will therefore not see a reduction in service as a result of this policy change.
- 17 This revised Policy change is not linked in any way to the School Transport Policy proposals which were the subject of consultation between the 25 September and 21 December 2017 and does not affect the same group of individuals.

## **Background Papers**

- Report to the Cabinet: 27 July 2010 – Adult Social Care Transport Policy  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=2909&Ver=4>
- Care Act 2014  
[http://www.publications.parliament.uk/pa/Acts/IAct/2013-2014/0001/IAct\\_2013-20140001\\_en\\_1.htm](http://www.publications.parliament.uk/pa/Acts/IAct/2013-2014/0001/IAct_2013-20140001_en_1.htm)

## **Appendices**

- Appendix A – Revised Adult Social Care Transport Policy 2018
- Appendix B – Equality and Human Rights Impact [EHRIA] screening assessment

## **Equality and Human Rights Implications**

- 18 An Equality and Human Rights Impact Assessment was carried out and concluded that the changes to the adult social care transport policy has no adverse impact on new and existing service users. A copy of the EHRIA is attached to this report as Appendix B.