Torbay and South Devon NHS
NHS Foundation Trust

# Policy for the provision of Adult Social Care and Health Funded Transport

Date: 19/10/15



TORBAY COUNCIL

# Partners in Care

## Document Ratification

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# Quality Impact Assessment (QIA)

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## 1 Introduction

1.1 This policy aligns current custom and practice. It represents a situation inherited from Torbay Council on creation of the care trust.

1.2 This policy should be read in conjunction with the Fairer Contributions Policy and the Eligibility Framework Policy and Guidance

1.3 Adult Social Care and Health funding provide transport through a variety of options to people with learning disabilities, people with mental health problems, people with physical disabilities and older persons across Torbay Council geographical area. This policy outlines how we will move towards a consistent and equitable way of all client groups in the provision of Social Care and Health funded transport.

1.4 Current policy for the provision of adult health and social care is aimed at promoting the maximum possible independence for the service user. In extending this principle to the provision of transport services, this policy sets the criteria that will be used to assess whether the service user's transport need can be met best through independent travel arrangements or whether adult social care provided transport services are necessary.

1.5 This policy rests upon a general assumption and expectation that service users will meet their own needs for transport to access and take advantage of services or support.

1.6 Transport is not a service in its own right – it is a means of accessing services or support. The overriding principle is that the decision to provide transport is based on needs, risks and outcomes and on promoting independence.

1.7 Funded transport will only be provided if, in the opinion of the assessor, it is the only reasonable means of ensuring that the service user can be safely

transported to an assessed and eligible service. Where there is appropriate transport available (either personal or public transport), it will be assumed that the service user will use this as a first option. Transport will only be provided if alternatives are unavailable or inappropriate for some reason.

## 2 Legal Framework

2.1 Adult Social Care has a legal duty to provide transport to service users who are eligible for social care support in certain circumstances. This is set out in the Care Act 2014, which gives local authorities a duty to carry out an assessment for an adult with an appearance of need for care and support

## 3 Aims of the Policy

**3.1** The aim of this policy is to reflect national and local priorities and underpins the proposed changes to the existing arrangements for access to and the provision of social care funded transport.

The policy is based upon:

- Promoting Independence
- Maximising choice and control
- Supporting a healthy lifestyle
- Improved quality of life
- Maximising dignity and respect
- The provision of local accessible services and support

## 4 Principles

4.1 The overarching principle is that as part of the Trust's commitment to inclusion and independence individuals who can travel to a community activity, either independently or with assistance from family, friends or support providers will do so.

4.2 Following an assessment of need we will only fund transport to meet an eligible assessed need. The transport funded will be appropriate for that need, will provide value for money and be cost effective.

4.3 People who qualify for concessionary travel i.e. bus passes, will be expected to apply and use this as and when appropriate according to assessed needs.

4.4 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.

4.5 This policy recognises that a reasonable charge will be applied for the provision of social care funded transport. Such a charge will be calculated in accordance with a financial assessment under the Torbay and South Devon NHS Foundation Trust Non-Residential Charging Policy.

## 5 Eligibility and Practice Guidance in determining the need for transport

5.1 The decision to provide assistance with transport must only follow a full assessment of needs and the risks associated as part of the support planning process. The purpose of transport should be clearly stated on an individual's Support Plan.

5.2 In general, this Policy is based on the assumption that service users will travel independently except where assessment shows that this is not possible. The test used in the assessment should be 'What will happen if TSDHT 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 Trust's Eligibity Framework and Guidance.

5.3 There are 4 stages in the process for assessment of eligibility for the provision of assistance with transport and the identification of appropriate transport as follows:

**Stage 1: Access to existing transport**

Service users will not be eligible for transport if:

- They have a "Motability" vehicle which they drive themselves. In this instance there will be consideration of whether it is reasonable to expect that the service user will use that vehicle in order to travel to the location of the care service/activity.

**Stage 2: Assessment of mobility**

If appropriate, an assessment will be made of the service user's mobility. This will involve assessing issues such as:

- Ability to walk outside
- Requirement for wheelchair/ other walking aid
- Ability to get in and out of property
- Ability to get in and out of vehicle
- Risk of falling without support
- Ability to bear weight to transfer
- Whether mobile but at a risk when mobilizing due to uncontrollable movements
- Ability to use stairs, manage gradients, steepness of stairs in home, safety, energy levels

A person's mobility will be taken into account in the provision of transport, as appropriate

**Stage 3: Assessment of ability to travel independently**

This assessment considers both physical and social reasons that enable or prevent the service user from travelling independently. This will include:

- Extent of the mobility problems identified in Stage 2
- Availability of family/carers
- Communication difficulties (for example ability to order taxi, use public transport or ask for help)
- Learning Disability
- Psychological factors (for example debilitating anxiety, agoraphobia)
- Experience or risk of harassment
- Any other factors affecting personal safety

The assessor will determine whether the service user:

- Is capable of travelling independently
- Requires some training, support or assistance that will enable them to be capable of travelling independently in the near future
- Is not capable of travelling independently

Stages 1 to 3 will determine the eligibility of the service user for some form of transport or transport assistance.

**Stage 4: Identification of appropriate transport**

Once eligibility has been assessed as above, it will be the duty of The Trust to make appropriate arrangements for transport. Directly provided transport services will no longer be provided by TSDHT, rather assessors and support planners will be required to support people to make appropriate arrangements or to make those arrangements on their behalf.

The range of transport service provision includes:

- Assistance with using public transport, e.g. travel buddies.
- Provision of transport by parents/carers
- Taxi service – solely for the use of the client or shared with other clients
- Provision of transport by residential/supported living provider

5.4 Resources from Adult Health and Social Care are unlikely to be allocated specifically to meet transport related needs where:

- An individual is in receipt of the higher rate mobility component of the Disability Living Allowance, the purpose of which is to assist those who have mobility problems, with severe difficulty walking or who need help getting

around out of doors. Under normal circumstances no-one in receipt of the higher rate mobility allowance would receive funded transport, unless there are factors limiting their ability to fully utilise the benefits of the allowance e.g. geographical location, the nature of the disability, wheelchair type or carer support requirements. The support plan will determine the level of support offered in these circumstances as part of the assessment process.

- An individual lives in a registered residential care home. If an individual is assessed as having the ability to travel independently, or with minimal intervention, the care home will make provision to support independent travel.

- An individual lives in a 24hr supported placements. In these cases the placement covers the full range of support needs, including transport, to attend community activities including college.

- If the individual is a tenant in supported accommodation or adult placement scheme, they will be subject to the same assessment and care planning arrangements as clients of TSDT living in their own homes or with relatives.

5.5 There is no single definition of what is a reasonable distance/time to access services or activities that meet assessed needs. An assessor should be able, having information about an individual's abilities and the transport options available, to define "reasonable" for that individual. However, as a general principle, the Trust will look to referring people to their nearest appropriate service.

5.6 Where people incur extra expense for transport related to their impairment (Disability Related Expenditure - DRE) this will be assessed and agreed as part of the financial assessment process and allowances made in accordance with the Charging Policy.

5.7 Part of the individual's assessment or review will identify their potential to learn road safety and orientation skills so that they can travel independently, thus maximising their skills and autonomy. This may require a planned programme of transport training by a support worker, or a system of pairing people up or forming small groups, so that people can travel together and support each other. Programmes of support must be identified in Support Plans and be subject to regular review to monitor progress.

5.8 Where a person cannot attend their nearest community activity including college or a day opportunity because there is no placement available the assessor may make a case requesting additional resources to be allocated. However, where a person chooses to attend community activities, college or a day centre that is not the nearest and the nearest service is available to meet their assessed need, any additional cost of any transport considered necessary will be met by the person.

5.9 Geographical isolation may be a factor in an individual's ability to access services outside the home. People living in rural areas 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.

5.10 Where a person contributes towards the provision of a shared community vehicle, there is an expectation that this would be used to transport them to community activities.

5.11 Where the individual is reliant on a relative or other carer to drive a mobility car, consideration must be given to supporting carers' respite needs, including enabling them to work. If an individual or carer makes the decision that the car will not be used for the intended purpose the onus must be on the individual and/or carer to make alternative appropriate arrangements. Assessing officers must also ensure that a carer's reluctance or inability to assist with transport does not prevent an individual from accessing a service that meets their assessed needs and the individual/carer will need to make alternative arrangements.

5.12 Where there is conflict between the individual and carer, regarding cars funded by the Motability scheme, assessors may need to consider the possibility of requesting that the person reverts back to a monetary allowance with the Department for Work and Pensions, if the individual agrees. This would promote independence and allow the individual to take control of their own transport requirements. Consideration will be given to the impact of this option on service user/carer relationships and the need to avoid creating unnecessary conflict. In some circumstances support from an independent advocacy service should be sought for the individual and, if necessary, the carer.

5.13 Where it is identified that a carer will provide transport it is important that the assessor is able to demonstrate that the impact of this has been appropriately considered in an assessment of the carer's needs. Where it is concluded that the carer cannot provide transport because it would place an unreasonable demand on them, then the assessment should lead to an allocation of resources to meet the critical and substantial needs that can be met by enabling access to transport.

5.14 In all other circumstances where a person has no access to their own transport and cannot walk, use assisted mobility (wheelchair/aids) or use public transport, either independently or with support, then the assessment should lead to an allocation of resources to meet critical and substantial needs that are adequate to access funded transport to and from services or activities.

5.15 There may be a need for periodic transport support for individuals in times of illness for either them or their carer; or in relation to exceptional family circumstances. A flexible approach will be taken in these situations. A review of the Care/Support Plan is appropriate in these cases.

## 6 Implementation

6.1 This policy will be applied from 1st April 2014 to any new adult health social care service users. Existing service users will be informed individually when this policy will affect them, most often at the time of their annual review.

6.2 For those existing service users who will lose their eligibility for transport under this policy, their circumstances will be considered sympathetically and it is envisaged that there will be a transitional period of up to 3 months to support them to travel independently; or to make use of alternative arrangements following their re-assessment/annual review.

## 7 Monitoring, Review and Assessment

7.1 Any impact this policy has had on the ability of vulnerable people to access appropriate services to meet their eligible social care needs, will be considered by assessing officers at a review or reassessment of the individual's needs.

7.2 An individual or their authorised representative can request a review of their social care assessment at any time.

7.3 If the individual disagrees with the assessment and wishes this to be reconsidered then they should contact TSDT and ask to make a formal complaint.

## 8 Complaints

8.1 TSDTAdult Social Care's Complaints Policy 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.

## The Mental Capacity Act 2005

The Mental Capacity Act provides a statutory framework for people who lack capacity to make decisions for themselves, or who have capacity and want to make preparations for a time when they lack capacity in the future. It sets out who can take decisions, in which situations, and how they should go about this. It covers a wide range of decision making from health and welfare decisions to finance and property decisions

Enshrined in the Mental Capacity Act is the principle that people must be assumed to have capacity unless it is established that they do not. This is an important aspect of law that all health and social care practitioners must implement when proposing to undertake any act in connection with care and treatment that requires consent. In circumstances where there is an element of doubt about a person's ability to make a decision due to 'an impairment of or disturbance in the functioning of the mind or brain' the practitioner must implement the Mental Capacity Act.

The legal framework provided by the Mental Capacity Act 2005 is supported by a Code of Practice, which provides guidance and information about how the Act works in practice. The Code of Practice has statutory force which means that health and social care practitioners have a legal duty to have regard to it when working with or caring for adults who may lack capacity to make decisions for themselves.

**"The Act is intended to assist and support people who may lack capacity and to discourage anyone who is involved in caring for someone who lacks capacity from being overly restrictive or controlling. It aims to balance an individual's right to make decisions for themselves with their right to be protected from harm if they lack the capacity to make decisions to protect themselves". (3)**

All Trust workers can access the Code of Practice, Mental Capacity Act 2005 Policy, Mental Capacity Act 2005 Practice Guidance, information booklets and all assessment, checklists and Independent Mental Capacity Advocate referral forms on iCare

http://icare/Operations/mental_capacity_act/Pages/MCA.aspx

## Infection Control

All staff will have access to Infection Control Policies and comply with the standards within them in the work place. All staff will attend Infection Control Training annually as part of their mandatory training programme.