

31st March 2014**Agenda Item: 7****REPORT OF THE DEPUTY DIRECTOR FOR ADULT SOCIAL CARE, HEALTH
AND PUBLIC PROTECTION****ADULT SOCIAL CARE TRAVEL POLICY****Purpose of the Report**

1. This report asks Committee to endorse the revised Adult Social Care Travel Policy for approval by Policy Committee, following agreement of transport savings proposals at Full Council on 27 February 2014 and the dates for implementation of the changes agreed.

Information and Advice

2. The Full Council meeting approved a number of changes to the provision of adult social care transport assistance by Nottinghamshire County Council, which need to be reflected in the revised Adult Social Care Travel Policy. These changes will contribute towards the achievement of reducing expenditure on transport assistance to Adult Social Care and Health service users by £ 500K pa, by 2016/17.
3. Short breaks services do not fall within the statutory duties of the local authority, as defined by section 46(3) of the National Health Service and Community Care Act 1990 and therefore the provision of transport to those services is discretionary. For this reason, the withdrawal of transport from people attending residential short breaks services has been approved, in order to contribute towards the agreed target for reduction on transport expenditure. This has been referenced in the revised Adult Social Care Travel Policy at section 2.1b). However, the Council will consider individual appeals to provide this transport, where exceptional circumstances apply. The process for making such an appeal is described at the new section 9 of the Transport Policy.
4. The Council currently provides fleet transport to the people who attend 20 lunch clubs and day services provided by the voluntary sector (Age UK and local Age Concern organisations). 11 fleet vehicles are provided to lunch clubs in between day service transport runs but 9 fleet vehicles support the Age UK and Age Concern day services from 9.30am to 3pm across the week, as dedicated transport provision. The lunch club clients and the organisations pay towards the costs of the transport in a variety of ways, but these do not cover the full cost of the transport provided. The size of the subsidy provided by the Council ranges between £ 5000 – 7000 pa per vehicle and driver.
5. Reasons for the Council to withdraw this transport assistance are as follows :

- There has been no assessment to determine if the clients are eligible to receive the assistance from the Council and therefore transport assistance to these particular clubs and voluntary sector day services is a discretionary arrangement.
 - The County Council is facing its biggest ever budget challenge. During the recent Budget Challenge consultation exercise, one issue was that people felt that all lunch clubs and day service clients should be treated by the Council in the same way. At present, there are 26 lunch clubs around the County whose clients do not benefit from subsidised transport assistance. The fact that some attendees of lunch clubs and day services have subsidised transport, and others do not, is not seen as equitable. The Council cannot afford to offer this arrangement to the clients of all lunch clubs and voluntary sector day services.
 - The Transport and Travel Service will be able to seek other uses for the released vehicles and drivers, to generate income that covers all costs from other sources. Alternatively, changes can be introduced to reduce the costs incurred by these resources (eg. vehicle disposal, changes to driver terms and conditions such as moving to split shifts).
6. For the reasons given at section 5, the withdrawal of this subsidised fleet transport was approved by Full Council, in order to contribute towards the agreed target for reduction on transport expenditure. The Adult Social Care Travel Policy has now been revised to state clearly that all people who receive transport assistance must be eligible to receive support and service from the Council under Fair Access to Care Services guidance (Section 2.1).
 7. It should be noted that people who are eligible for support and service from the Council will be able to continue to receive transport assistance to their Age UK or Age Concern day service or lunch club, if that service is required to meet stated outcomes from the Community Care Assessment and the person is eligible to receive transport assistance according to the Adult Social Care Travel Policy.
 8. All the affected services will be provided with information about alternative community and voluntary transport schemes.
 9. If the affected services wish to continue to have fleet transport at their disposal, they would be able to purchase this service from the Transport and Travel Service at full cost.
 10. The increase in the Transport Charge (from £5 to £7 per return journey) was approved at the Full Council meeting, but the Council needs to be mindful of the requirement in the Fairer Charging Guidance 2003 (Department of Health) that *“particular care needs to be taken to avoid any adverse impact on the service user’s income where flat rate charges are applied”*. The total level of charge made on any individual should not bring that person below the minimum level of Income Support plus 25%. At present, Adult Care Financial Services do not routinely check whether people who receive transport are being charged too much in flat rate charges, as the charges are relatively small, but this check is carried out if people state that they cannot afford to pay. With the increase in transport charge now being approved, it is prudent to introduce this check routinely as a safety precaution. This is referenced at Section 6 of the revised Adult Social Care Travel Policy.

11. Other changes proposed to the Adult Social Care Travel Policy are as follows:

- Additional detail is provided at section 3.1, to explain, for the purposes of the transport eligibility assessment, when the Council believes that it is reasonable to conclude that a person may not need assistance from the Council with transport. There is clarification at section 3.2 that a person in authority may choose to override an outcome of “non-eligibility” for transport assistance, based on individual circumstances.
- A new clause (at section 4.3) has been added to clarify when transport assistance will be withdrawn after a period of consistent non-use. If a service user fails to use the booked transport for 20 working days, or on 5 consecutive occasions (whichever is the least) without providing prior notice or explanation, then the service user will be contacted to advise them that the allocated provision will be cancelled.
- A new section (referenced as 5) has been added to detail the usual mileage to be paid as a direct payment and the circumstances in which this can be paid. The current arrangements under which people take a direct payment for transport will be investigated and action taken if necessary, to bring the arrangements in line with the new policy.
- The exemption criteria for the transport charge have been clarified (section 6.1). A check will be carried out to find out whether Independent Living Fund recipients are being charged the transport charge and this will be stopped if so.
- Details of how the transport charge should be collected from people who take a direct payment has been included (section 6.2). Checks will be carried out to ensure that the charges are being made appropriately in these circumstances.
- The section on what will happen if the service user refuses to pay the charge has been altered based on legal advice (section 6.3).

12. Recommended timescales for implementation of the transport savings proposals and the other transport policy changes are as follows:

- Withdrawal of transport assistance from people who receive short breaks services – to be implemented by January 2015. This is to allow for appeals against withdrawal of transport to be considered by the number of people who currently receive this transport.
- Withdrawal of fleet transport assistance from lunch clubs and voluntary sector day services – to be implemented by the end of July 2014. This is to allow released fleet vehicles to be used for public transport provision from August 2014 onwards.
- Introduction of the increased transport charges and new financial check (as explained at section 5) – to be implemented on Saturday 31 May 2014. Clients will receive 4 weeks written notice of the increase in charge and will be invoiced in arrears from the date of introduction.

- All other changes to the transport policy, as at section 5 will be introduced with immediate effect following approval by Policy Committee.

Other Options Considered

13. A proposal to remove transport assistance from people who receive Mobility Component as part of the Disability Living Allowance was considered but rejected after consultation (November 2013 to January 2014).

Reason/s for Recommendation/s

14. The recommendations follow from agreements made about the transport savings proposals at Full Council on 27 February 2014, and other changes to the transport policy that are required.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

16. The approval of the revised Adult Social Care Travel Policy will allow the Council to implement the transport savings proposals and realise a reduction in expenditure of £500,000 per annum on transport expenditure.

Human Resources Implications

17. Policy guidance will be produced to support the implementation of the revised Adult Social Care Travel policy.

Public Sector Equality Duty implications

18. Please refer to Equality Impact Assessment for Transport savings proposals.

Implications for Service Users

19. People who currently receive transport assistance to attend short breaks services will have their transport withdrawn, unless they appeal successfully against this due to individual circumstances.
20. People who currently receive fleet transport assistance to travel to lunch clubs and voluntary sector day services will have this transport withdrawn, unless they are eligible for

support and service from the Council and the need to attend the service is required to meet agreed outcomes.

21. All services users will pay an increased rate of transport charge, unless they are exempt from paying. A new financial check will ensure that people do not pay more than they can afford in terms of weekly minimum income.
22. There may be some changes to transport arrangements for people who have a direct payment for these costs, if current arrangements do not comply with the new policy.
23. There may be a number of service users who receive Independent Living Fund who will no longer be charged for transport.

RECOMMENDATION/S

The Adult Social Care and Health Committee are asked to:

- 1) Endorse the changes to the Adult Social Care Travel policy to go to Policy Committee for approval.
- 2) Approve the implementation dates for the transport savings proposals.

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Constitutional Comments (LM 19/03/14)

24. The Adult Social Care and Health Committee has delegated authority within the Constitution to approve the recommendations in the report.

Financial Comments (KAS 19/03/14)

25. The financial implications are contained within paragraph 11 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Previous report to the Adult Social Care and Health Committee 25th November 2013

Electoral Division(s) and Member(s) Affected - All