

Appendix F

Feedback received on the amended draft Adult Social Care Transport Policy

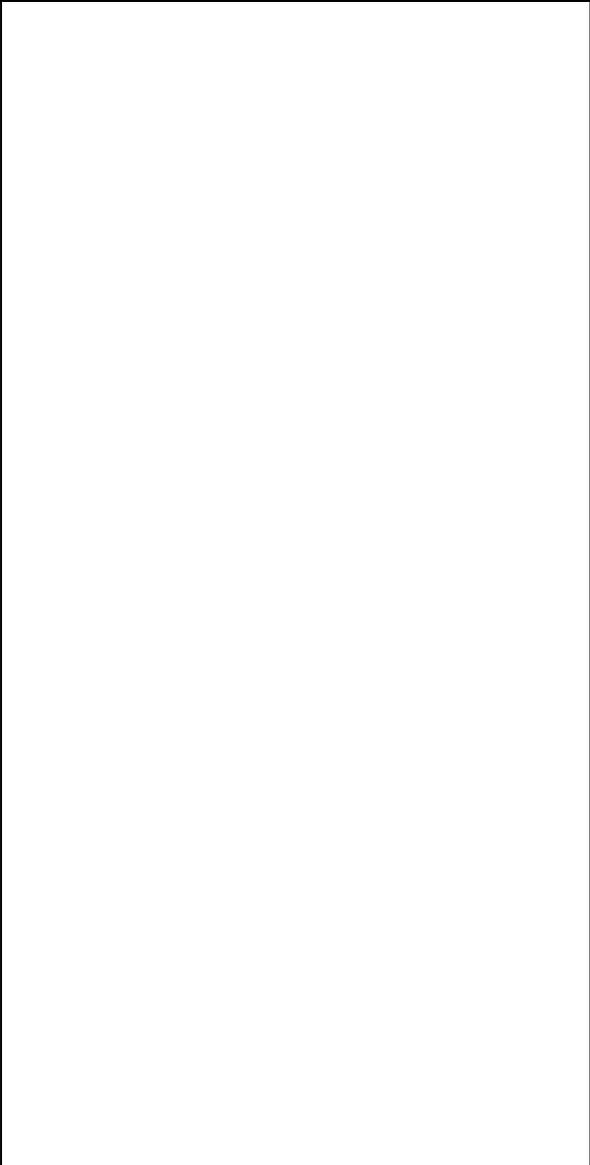
Comment	Council Response	Amendment
<p>It is abundantly clear to me that 'accessible' and 'user friendly' are not the same thing as far as buses are concerned. It seems that the only mobility consideration is for wheelchair users. Whilst this is obviously important, there are many other people using buses that have difficulty in walking, standing and sitting. If passengers have knee problems - very common in ex-footballers as well as the elderly - they need extra leg room, but the seats designated as being for 'those less able to stand' are at the front of the bus where there is actually less leg room than in the usual seats. Also if you suffer back pain, or weakened leg muscles, you need a higher seat otherwise it is impossible to get up,</p>	<p>This is a very valid point. Transport options section of the policy should reflect the varying degrees of accessibility in public transport and this should certainly be taken into account when support planning to meet transport needs.</p>	<p>1. Transport options section amended and text on all vehicles being fully accessible and able to take 2 wheelchairs has been removed.</p>

and again the front seats are often even lower than standard. I don't know if this is supposed to be helpful for children, but I find most kids can clamber up anywhere far more easily than adults!

In order to get ever more passengers into each bus the seats have become smaller and more tightly packed. People with decreased mobility often have a weight problem as well, so this also causes discomfort.

It is high time those who are supposed to be considering the freedom of movement and the independent travelling of those with mobility issues liaised with the designers of buses, instead of just allowing them to give a nod to it by creating space for one wheelchair per bus (especially when mums with buggies don't want to give up the space)

Then again the drivers are not all co-operative. There is a great facility for lowering the side of the bus to allow easy access on and off for both



buggies and those with mobility issues, but often this is not deployed and very often the bus is not driven near enough to the kerb when approaching a bus stop, so that passengers have to step down into the road and back up the kerb to the pavement.

I appreciate that this is not the fault of the council, or the government, but I submit it as a reason why people who have any sort of health problem would be hesitant to use the bus service if they are used to a more convenient method of transport. So far I have mentioned only physical issues, but I can easily imagine the fear engendered in anyone with mental or psychological issues if they have to travel when the buses are crowded, which is most of the time.

I am not one to criticise the public transport services in our area. As one who uses buses train and tubes almost every day I think we are privileged to have such a comprehensive service. I just feel for

<p>those less able than myself.</p>		
<p>First, many thanks for sight of the outcome of the recently held consultation on the Enfield Adult Social Care Transport Policy. I read with interest and found, on the whole, not much to criticise. However, there are a few observations on the draft policy that you have asked for comments against. With this in mind, please accept the below observations/comments as our contribution to the next phase of your iteration that's due to go before your Cabinet Members in February 2016. Observation 1: Despite the best intention, the Policy comes across as a 'legal' document that is only accessible to those very familiar with such speak/language. I read the 'easy to read version' but that too failed to demonstrate fully what the Policy will facilitate and that which will be fully outside its remit. For example, the Policy would benefit from a section that outlines clearly some of the key 'activities' within the</p>	<p>1. You are right in that some parts of the policy are quite technical. However, any public material that we produce to inform people of options will be carefully considered in order that it is accessible and easy to read. 2.This policy is targeted at people who have an eligible need but your point is a good one and for people who do not meet the Adult Social Care eligibility threshold there should be information readily available to advise on travel options for people with more limited mobility. We will consider what information is available in order that for those people who are not eligible for social care support, good information and advice is easily available and accessible. 3. There are no eligible services as such. The assessment process identifies eligible and non eligible needs which can be met in a variety of different ways. The Council is working to ensure that we provide as</p>	

<p>transport realm that will be affected directly either by its reduction or cessation and those that are liable to 'additional' cost from those with eligible assessed needs. In this regards, it does seem that the Policy is geared to a 'limited and targeted' audience who are already in scope to the current machinery rather than those who are either at the cusp of finding themselves in this situation or recently diagnosed and seeking to wend their way through the many challenges that now lay ahead of them.</p> <p>Observation 2: this is partly linked to the above but differs in that throughout the Policy document there is mention of "eligible assessed service, activity, work, education or training" and yet there was no indication as to what this actually meant. For example, page 2, para. V talks about travelling to an "assessed eligible service, activity etc.." but there is no definition as to what constitutes an 'assessed eligible</p>	<p>much information as possible on services available within the borough regarding their accessibility and what adjustments they make for people with disabilities or limited mobility.</p>	
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<p>service or activity' which could be construed as there being certain types of activities and/or services that assumes 'eligibility' status. If this is the case, would a support project such as the Shane Project, be deemed 'assessed eligible service', for instance? If there is such a 'register' (as I assume to be assessed one would hold a register of those so assessed?), how are organisations made aware of this and what will they have to do? The implication is clear: if we were not deemed eligible, for example, then members wanting to attend our sessions and who may require transport assistance as per your 'duties and powers', then they'd not be supported through this Policy. So, we would like to see a better delineation of what you mean by 'assessed eligible services etc' and if that is linked to any form of registration process.</p> <p>I hope some of the above points make sense and you are able to reflect on them and consider whether</p>		
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<p>they offer any improvement/clarity to the current draft Policy framework.</p>		
<p>Motability Allowance DOES not always cover a disabled persons transport needs. For example when purchasing a motability vehicle a down payment may be needed and this can run into thousands depending on the persons need, meaning the disabled person would have to save this from there weekly income. If the full motability allowance is taken to pay for the vehicle each month this leaves no money for petrol, meter payments and other travel expenses. This should be a Disability Related Expense.</p> <p>The comment " these are expenses that everyone has to pay" is wrong as we are discussing people with severe mental, physical and complex needs which brings many challenges, which is NOT something everyone has to contend with!</p> <p>The council needs to take into account DRE when carrying out a</p>	<p>1: Yes, there may be cases where a down payment has to be made and repaid so this will be allowable as DRE where the mobility benefit is fully committed to the motability care.</p> <p>2. DRE for car running costs is a disability related expense where any costs exceed the value of mobility benefit (if it is being received).</p> <p>3. You are right that access is extremely variable to public transport and transport run by the Council or other providers was omitted. The transport options section has been amended to reflect this.</p>	<p>1. Policy amended to reflect this.</p> <p>2. Policy amended to reflect this.</p> <p>3. Policy amended to reflect this.</p>

financial assessment as these additional expenses are incurred because of disability.

Looking at the Transport Options there are mistakes or the wrong information given.

There is only one space for a wheelchair on a public bus and these are mostly taken by push chairs! People in wheelchairs are often left at bus stops as it is taken as a bother to wait for the ramp to be put in place and the time it takes to get the wheelchair and the user safely on the bus.

Enfield Town will be inaccessible if and when the cycle lanes are put there. This will be another big problem for disabled people with regards to access and transport.

On the Transport Options, Centre run Mini buses and Council run buses have been left off why is this?

I hope you read these comments and use them when finalising the Transport Draft as these are important points.

<p>Comments on the Revised Adult Social Care Transport Policy.</p> <p>The Revised Policy is a considerable improvement on the previous draft and it is good to see that many of the problems have been addressed. I would ask that the following points re the revised policy should be considered:</p> <p>Page 1.</p> <p>1. POLICY CONTEXT</p> <p>The second para refers to savings of £70 million, with £24 million from ASC to be delivered by 2020. Presumably that is by April 2020 (or is it April 2021). It is not stated whether or not these savings include any anticipated changes to Council Tax during that period. I think that therefore these figures are misleading. There is no mention of the recently announced 2% ASC Precept or any other general rises which the L.A. could implement. It looks a little strange that the savings of £500k and £400k are both scheduled for the same year (2016-2017), but will be agreed separately.</p>	<p>Page 1.</p> <p>1. POLICY CONTEXT -</p> <ul style="list-style-type: none"> ● This needs to be delivered by April 2020, so in effect by the financial year end of 2018/19. ● The £24 million savings does not take into account any potential to realise a 2% ASC precept, as a decision has not yet been taken by Enfield Council in relation to its implementation. <p>Initially, the potential savings proposals for this area were for consideration and implementation over a 2 year period. (15/16 and 16/17) However, in order to conduct a proper consultation process it was agreed that the 2015/16 savings proposal would be deferred. Now the consultation has taken place, this leaves the Council with a potential savings of £900k to be delivered in 16/17.</p> <p>Page 5. -</p> <p>4. PAYING FOR YOUR TRANSPORT (DRE) THROUGH TO 4.6 SECTION OF COMMENTS</p>	<p>Policy amended to reflect cases where DRE may be allowable when in receipt of a motability car or car running costs</p>
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<p>It is very difficult to see how these savings will be delivered. Page 5.</p> <p>4. PAYING FOR YOUR TRANSPORT</p> <p>These comments concern the requirement under the 2014 Care Act regarding the consideration of DRE: DRE is described in para 4.3 and I think it may be helpful to add the following sentence from the 2014 Care Act Guidance, Annex C - ‘any reasonable additional costs directly related to a person’s disability should be included’.</p> <p>I believe the following 3 paragraphs in the policy (4.4, 4.5 and 4.6) should therefore be removed, or significantly modified as they specify unreasonable blanket approaches to transport DRE which conflict with the explanation of DRE as stated in Government Guidance. All DRE should be looked at on an individual basis to consider each service user’s needs and circumstances.</p> <p>Supporting arguments for my</p>	<p>There will be cases where additional costs are incurred, for example with a down payment requirement for a motability car or when using a private car and these should be allowed for.</p>	
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<p>proposal:</p> <p>4.4 I would suggest that this blanket approach to DRE for Motability car users, as stated here, would not comply with the DRE requirements under the Care Act.</p> <p>Please refer to the attached conditions of use for a Motability vehicle (see note 1) – ‘the vehicle must be used for the benefit of the service user’ - nowhere in the terms of condition is it stated that it ‘ is expected to meet all your transport needs’. If this were to be a requirement for the hire, then there is a potential problem for service users. To exclude all DRE for Motability vehicle users would appear to be unreasonable as fuel is one of the most basic transport costs for a disabled person. There may well also be an additional cost (over and above the Mobility Component) for the Motability vehicle if an advanced payment is paid, because a more expensive vehicle is a necessity. This would certainly be required for a</p>		
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WAV, which is leased over 5 years. (see note 2, giving information from Motability regarding advance payments).

It must be remembered that a person would only qualify for a Motability vehicle if he/she were unable or virtually unable to walk, or had a severe learning disability with extremely challenging and disruptive behaviour. A non-disabled person in similar circumstances – age financial, etc., would possibly not require a car at all – they could walk, cycle, ride a small motorcycle or use a bus – they would have friends, hobbies, read, etc. – activities which are not available to the most disabled service users. A severely learning disabled person would also always require a driver and possibly an escort when using a Motability vehicle, they would also require a person to clean the vehicle and perform regular routine maintenance tasks. It must be reasonable for any of these costs to be considered when assessing

transport DRE for a particular individual, as they directly related to that person's disability.

4.5 Again, this blanket approach to vehicle costs would not comply with the DRE requirements under the Care Act. The comment that running costs, fuel or parking 'are expenses that everyone with a car has to pay' shows a lack of understanding about the way that transport has to be used for service users with disabilities. If a disabled person lives with a family then it must be reasonable to consider any additional requirements specifically arising for the disabled person – e.g. additional mileage (e.g. medical visits, therapeutic use of vehicle, accessing specialist holidays, attending therapies, shopping, accessing quiet recreational facilities, etc.), the need for a larger, higher spec or specialist vehicle (possibly to accommodate a wheelchair), or any other costs which have to be incurred due to that person's disability.

4.6 Again, this blanket approach to

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<p>only allowing transport costs in excess of public transport would not comply with the DRE requirements under the Care Act. There are a number of factors which make this proposal invalid. A non-disabled person could well walk or cycle to participate in activities, whereas a disabled person may well HAVE to use specialist transport. A non-disabled person can choose where and when to access activities, whereas a disabled person may well have to travel longer distances to find an appropriate activity. It is difficult to see that it would be reasonable to deduct the cost of public transport from any transport costs incurred by the disabled person.</p>		
<p>APPENDIX 1. TRANSPOR OPTIONS FOR PEOPLE SUPPORTED BY ADULT SOVIAL CARE Page 7. Motability Vehicles Should say 'Some or all of the higher rate mobility allowance, with possibly an additional advance payment, can</p>	<p>As above Dial - a - Ride - this has been noted, and automatic eligibility criteria has been changed to reflect Dial -a- Rides published eligibility criteria. ● Omission of Assisted Transport done as above.</p>	<p>Policy amended to reflect Local Authority provided and Provider transport options. Dial - a - Ride published eligibility criteria inserted.</p>

<p>be exchanged for a Motability vehicle.....'</p> <p>The paragraph beginning 'an agreement for a Motability vehicle is for three years' should be removed (see earlier notes).</p> <p>Page 8.</p> <p>Dial-a-Ride</p> <p>The automatic eligibility criteria are incorrectly stated.</p> <p>They should state:</p> <ul style="list-style-type: none">• A Taxicard member• Getting the Higher Rate Mobility Component of Disability Living Allowance• Getting the Standard or Enhanced Mobility Rate of the Personal Independence Payment (PIP)• Registered blind or partially sighted• Aged 85 or over• Getting a Higher Rate Attendance Allowance• Getting a War Pension Mobility Supplement <p>Omission</p> <p>The list of travel options does not include the main option (probably)</p>		
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supported by adult social care – i.e. specialist transport provide by an independent provider or by the L.A.
Note 1.

Use of your car

Before you can lease a car on the Motability Scheme, you'll need to make sure you're happy to lease a car within the Scheme's terms and conditions.

We'll ask you to make sure:

- The car is used by, or for the benefit of, the disabled person. This does not mean that the disabled person needs to be in the car for every journey. In practice, this means other named drivers in the household can use the car for shopping and other routine activities, as long as the disabled customer will benefit
- Only named drivers listed on your Certificate of Motor Insurance can drive the car*
- That you let us know about any changes that may affect your lease.

* We will only accept drivers who

have a legally valid driving licence. Drivers with a non-UK driving licence will be subject to additional checks. At the time of ordering your new car , you, your nominated drivers and the Motability dealer will need to sign a Statement of Responsibilities (PDF 467KB) – summarised below:
'I understand and confirm that I will abide by the following rules throughout the Contract Hire Agreement: • The car will only be used for the benefit of the disabled customer. • The car will be kept at the address provided. • The car will only be driven by the drivers approved and listed on the Certificate of Motor Insurance. • All drivers must have a legally valid driving licence. • I will notify Motability Operations or any of their relevant partners of any change in circumstances that may affect the above'.
to confirm you understand and agree to follow the terms and conditions for using your Motability car.
Misuse would include:

- Not giving the disabled person the benefit of the car
- Driving whilst uninsured or banned
- Using the car in a criminal act
- Lending, sub-leasing or selling the car
- Using the car for unauthorised business purposes, for example, as a taxi or delivery vehicle
- Not taking proper care of your car

Note 2.

Advance Payments

- What it is This is an amount payable upfront to your Motability dealer in addition to your weekly mobility allowance
- Why it's needed Your mobility allowance may not cover the cost for some larger or more expensive cars. These cars are allocated with an Advance Payment which represents the difference between the amount your allowance covers over the three-year agreement period and the overall cost of the car you choose
- How it works The Advance Payment

is not a deposit and is therefore non-refundable. If an Advance Payment is required, the amount is fixed at the price available when you order your car

- How it's calculated Each Advance Payment is calculated by considering factors such as the cost of the car, its servicing and maintenance and its expected resale value at the end of contract. Our expert team negotiates with manufacturers every three months to get the best price for Motability customers

- When you pay it The amount is payable in one lump sum to your Motability dealer either before or on the day you collect your new car. Some dealers do ask for a holding deposit when you place your order, but any deposit paid will be deducted from the Advance Payment you pay when collecting your car. If you want to pay by cheque, this must be given to your dealer at least seven days before you collect your car, to allow funds to clear.

<p>Advance Payments for WAVs All new WAVs come with an Advance Payment to cover the cost of the five-year lease. The Advance Payment varies across the range of WAVs from a few hundred to several thousand pounds. If you're looking for a more affordable way to lease a WAV then a Nearly New WAV might be for you. Nearly New WAVs have a lower Advance Payment than the equivalent new WAV and are sometimes available at no Advance Payment. Speak to the relevant WAV converter for more information.</p>		
<p>Assessments of need under the revised policy (i) Bearing in mind that the case brought against Salford CC was not decided by individual assessments it is important what steer is given by the revised policy to assessors. (See paras. 50 and 51 of the judgement.) In that regard the policy</p>	<p>Assessment is an individual discussion and point 7 does complete with "where this is reasonable" given there may be cases where it is not possible to apply. The assessment, review and support planning processes are conversations rather than a formulaic set of questions. They are</p>	<p>No changes made significant changes to the policy to reflect feedback from our many contributors have been made which I hope they will find beneficial.</p>

<p>is not completely clear. Point IV notes: The overriding principle is that the decision to provide support with travel is based on individual circumstances...</p> <p>However, point VII with regard to those with a motability vehicle states: If you have a motability vehicle which you drive yourself you are expected to use this to travel...</p> <p>So on the one hand there are "individual circumstances" and on the other there is an "expectation" which, it is at least arguable, gives rise to a tension to be resolved by assessors. Accordingly the resolution of that tension by assessors will require that the statutory guidance be followed.</p> <p>(ii) It would, of course, considerably assist both assessors (and assessees) to resolve that tension if the questions to be asked at the assessment were communicated at an early stage. The statutory guidance is clear (perhaps</p>	<p>also based on an assessment of risk. assessing needs will come down to a professional judgement based on the individual's abilities, barriers and where possible, a progression through training or enablement which may see a person progress from fully supported transport to semi-independent or fully independent travel options. the policy is an attempt to ensure that where people have needs which involve transport, they have as much choice and control as possible.</p>	
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mandatory) on the matter: 6.38. To help the adult with needs for care and support, or the carer, prepare for the assessment the local authority should provide in advance, and in an accessible format, the list of questions to be covered in the assessment. This will help the individual or carer prepare for their assessment and think through what their needs are and the outcomes they want to achieve. However, I was told that such a list will not be issued before the assessments. To what extent this will result in difficulties for both the authority and assessed individuals remains to be seen.

Financial Assessments under the revised policy

Point 4.4 makes what appears to be a strong point that DRE for transport costs cannot be claimed on the basis that the motability vehicle covers all transport needs. This needs to be considered in the light of a policy, permitting exceptions, not amounting

to a rule, see R(Stephenson) v. Stockton on Tees. Furthermore, car running costs, fuel or parking cannot be claimed. With respect approach may not stand close scrutiny with the quoted guidance at para. 38.

- an individual with a motability vehicle is "expected" to use it to meet their travel needs
- this may, in fact, be a necessitated because of the assessed individual's disability e.g. challenging behaviour that makes travel by other means impossible, and
- the mobility component will not be available to meet those needs,
- hence the expenditure incurred in such travel must be capable of being considered DRE. How else would the promotion of independent living and well being be achieved, see para. 6, R(B) v. Cornwall County Council where it was noted: It has been said, with justification, that: "The promotion of independent living is a core - perhaps the core - principle

<p>underpinning the community care legislation" ("Community Care and the Law", Clements & Thompson It has been said, with justification, that: "The promotion of independent living is a core - perhaps the core - principle underpinning the community care legislation" ("Community Care and the Law", Clements & Thompson It is understandable that the authority faced with difficult financial position needs to make savings. However, as written the policy almost invites challenges.</p>		
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