



Portsmouth

CITY COUNCIL

ASSISTED TRANSPORT POLICY ADULT SOCIAL CARE

V0.1	Jacque Bickers	
V0.2	Jacque Bickers	Amended following feedback from IC and JW
V0.3	Jacque Bickers	Amended following discussion with Transport Policy SG
V0.4	Jacque Bickers	Amended in line with feedback JW, AB and IC
V0.5	Jacque Bickers	Updated guidance re post 19 adult learners with an EHP and transport



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1. Purpose

The Assisted Transport Policy for Adult Social Care sets out Portsmouth City Council's (the Council's) approach regarding the arranging and funding of transport for adults in receipt of social care services to meet their assessed eligible needs under the Care Act 2014.

This policy applies when the council has assessed an adult as eligible for care and support and where one of the support needs is to make use of necessary facilities or services in the local community. The policy sets out the criteria, which health and social care practitioners will use, to determine whether an individual will be provided with travel assistance, as part of a care and support plan.

The Adult Social Care Assisted Transport Policy will apply to transport arranged and/or funded by the council to ensure:

- The criteria for who is eligible to receive assisted transport from adult social care is clearly defined.
- Decisions are made in a fair and equal way;
- Assisted transport is provided in a way that promotes independence by encouraging and supporting a range of travel options including independent travel and the use of concessionary travel passes;
- Health and social care practitioners focus on the person's strengths and their ability or potential ability to travel independently;
- There is efficient and directed use of the council's resources.

2. Policy statement

The key principle underpinning the assisted transport policy for adult social care is that the decision to provide travel assistance is based on need, risk and person-centred outcomes and on promoting independence.

This policy seeks to promote independent travel through the use of available transport, such as public transport and private or Motability vehicle, and by encouraging walking, or mobilising with the use of aids, either independently or with support. This policy introduces a systematic approach to the consideration of transport options and the general assumption and expectation is that wherever possible, people will meet their own need for transport.

3. Scope

The adult social care transport policy applies to people:

- Who have an assessed eligible social care need that requires the consideration of travel options to enable that need to be met;
- *Aged 19-25 adult learners with an Education Health Care Plan starting a new course;
- Aged over 18 and not in full time education;
- Are ordinarily resident in Portsmouth. Ordinary residence is defined in the Care Act 2014.

*Refer to Appendix 1 for Education Transport for 16-19 year olds.

4. The legal framework

Adult Social Care has a legal duty to consider transport for people who are eligible for social care support in certain circumstances. The Care Act 2014, the Care and Support (Eligibility Criteria) Regulations 2015, and the Care and Support Statutory Guidance provide the legal framework for making such decisions.

The Statutory Guidance states that:

'Local authorities should consider the adult's ability to get around in the community safely and consider their ability to use such facilities as public transport, shops or recreational facilities when considering the impact on their wellbeing.' The responsibilities of local authorities are clearly set out with regard to carers and their assessment.

If a person has an eligible care need that may be met through access to activities or services in the local community including but not limited to day opportunities, replacement care (respite), employment and training opportunities, then there is a duty to assess whether there is a need for transport.

Notwithstanding this duty, transport is not an eligible need in its own right, but rather a means of accessing services. When providing any kind of support Adult Social Care has to consider what is the most suitable form of help. Adult Social Care is not obliged to provide transport directly but rather to provide whatever support or resource is needed to get someone where they need to go. Adult Social Care can also take cost into account. *'In determining how to meet needs, the LA may also take into account reasonable consideration its own finances and budgetary position and must comply with its related public law duties. This includes the importance of ensuring that the funding available is sufficient to meet the needs of the entire local population'* (Care Act).

As such, transport assistance will be considered as part of a broader assessment of the person's needs and on the duty to meet needs through a care and support plan. This means that assistance with transport will generally only be provided to people, where following an assessment, it is the only means of ensuring that the person can be safely transported to a service that is meeting an assessed and eligible need.

Where there is appropriate transport available (either personal or public transport), this will be the first option.

5. Eligibility and determining the need for assistance with transport

5.1 Students over 19 years who are starting a new course

An adult learner is a person who starts a course of study after their 19th birthday. Section 508F of the Education Act 1996 requires local authorities to make transport arrangements

they consider “necessary” to facilitate the attendance of relevant young adults (defined as adults for whom an Education Health Care Plan (EHCP) is maintained) at institutions where the local authority has secured the provision of education for the adult learner concerned. When a council finds it is ‘necessary’ to provide transport for the young adult under section 508F, then the transport must be provided and be free of charge (Education Act 1996, section 508F(4)).

Each application will be assessed on an individual basis to establish what travel support may be necessary to enable attendance. The council will consider whether to exercise its discretion to pay all or part of the reasonable travelling expenses of a young adult with an EHC Plan based on the following and in line with the principles set out in this policy:

- What funding is available for transport from the institution (such as any bursaries) that the learner is attending; there is an expectation that the learner has applied for that funding.
- What other funds the learner can access; there is an expectation that the learner has actively applied for that funding.
- The age of the adult, the nature of the route, or alternative routes, which the adult could reasonably be expected to take.
- The complexity and duration of the route – so that the adult should be able to reach their education or training without incurring such stress, strain, or difficulty that they would be prevented from benefiting from the education provided.
- Whether the adult is in receipt of higher rate mobility component of the Personal Independence Payment or 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 outside. We would normally expect this benefit to be fully utilised prior to requesting travel assistance from the council. If there are any factors limiting their use you should provide details of them.
- Use of Motability vehicle assigned to the applicant.
- Availability of a driver for the Motability vehicle.
- The extent to which there is a parent or carer willing and able to help with transport.

The council cannot charge for transport additionally and separately unless the assessment concludes that transport is not a 'need'. That is, the person has other reasonable transport options available (which could include their own adapted vehicle) - then the council can and should charge.

5.2 Adults 18+ not in full time education

The Council has a discretionary power under the Care Act 2014 to meet needs that have been assessed as not eligible. The assessment for travel assistance will be an element of the person's care needs assessment; i.e. no service will carry an automatic entitlement to travel support. The council will consider all travel assistance options that are reasonably available to the person when deciding what support it may offer so that that the person's assessed needs and outcomes can be met.

As part of the assessment process the health and social care practitioner will determine:

- what needs and outcomes the person is able to meet independently;

- what needs and outcomes they are able to meet from allowances that are provided specifically to meet the person's needs to get out about;
- what needs and outcomes they are able to meet through the support provided by a family member or informal carer;
- the availability of existing transport;
- Any factors that may pose an unreasonable demand or risk to health and safety when travelling

When determining what support may be offered in order that the person's assessed needs and outcomes can be met, the health and social care practitioner must take into account the following:

5.3 Access to existing transport

This covers the extent to which the person can travel independently through the use of their own privately funded transport. This includes any vehicle purchased under the Motability scheme (which the individual drives themselves or does not drive themselves).

Where an individual is reliant on an informal/family carer to drive a mobility car, consideration must be given to supporting the carer's respite needs, including enabling them to work. However, health and social care practitioners must ensure that a carer's inability to assist with transport does not prevent an individual from accessing a service that meets their assessed needs. Discussions with the individual and carer should explore the conditions of the Motability scheme, namely that the mobility car is to be used by or for the benefit of the disabled person.

Where it is identified that a carer will provide transport, the health and social care practitioner must demonstrate that the impact of this has been appropriately considered in an assessment of the carer's needs. Where carers or friends have been identified as being able to provide transport, alternative arrangements should be detailed in the contingency plan to cover periods where they are unable to do so.

If the person receives the mobility element of Disability Living Allowance (DLA) or Personal Independence Payment (PIP), the purpose of which is to assist those who have mobility problems with severe difficulty walking or who need help getting around outdoors and in the community. The expectation is that the person will need to make full use of this benefit for their assisted travel. Consideration will be given to other crucial demands placed on the allowance.

If the person is not in receipt of mobility allowance or only gets the lower rate of DLA/PIP but may qualify for the allowance or a higher rate a referral should be made to the Financial Assessment Benefits team to assist with the benefit application.

5.4 Ability to travel independently

Where a person can use public transport or community transport either independently or with support, the support planning process will involve options that enable people to do so. For example through assisted technology or travel training to support the person to develop their skills around independent travel.

An assessment of a person's ability to travel independently should be carried out using a risk-based approach, considering the physical, mental and social aspects of travelling independently. Mobility must be considered, including assessing areas such as the ability to walk outside, requirement for mobility aids, ability to get in and out of a vehicle and any barriers to independent travel, including any relevant occupational therapy or other professional assessments.

The ability of a person to travel independently, including any specific factors such as sensory, cognitive impairments, psychological needs and/ or neurodiversity, must also be considered when looking at the appropriateness of travel training.

Travel barriers due to where the person lives or in respect of the frequency and number of buses they are required to use, or the prohibitive cost of taxi fares should be taken into account. The availability of alternative accessible and affordable means of transport must be considered when assessing the person's ability to travel independently.

People who qualify for concessionary travel (i.e. bus passes) will be expected to apply for, and use this, to meet the costs of their travel to community services or activities that meet their social care needs. If the ability to travel would be made possible by an accompanying companion, assistance will be provided in applying for a companion pass. The constraints of concessionary travel (i.e. no free travel before 0930) will be taken into account during the assessment.

5.5 Assisted travel decisions

Transport decisions agreed with the person and/or family carer will need to be documented in the support plan. If there are any remaining unmet transport needs, for example, a family carer can support the person with the majority of their assistance for transport but not all of them, these will need to be considered and the decision for how these are to be met should be documented in the care and support plan.

Where a person cannot attend their nearest community activity because there is no space available or the person's culturally specific need cannot be met, agreement may be given to attend a community activity that has availability, pending an appropriate place being found closer to where the person lives.

If a person chooses to attend community activities that are 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.

Only after the health and social care practitioner has taken account of all of the conditions outlined in sections 5.2-5.4 should council funded assisted transport be considered. Once this has been determined, the option for how the council will fund assisted transport will be set out in the care and support plan.

6. Positive risk management and safeguarding

Positive risk management does not mean trying to eliminate risk. It means managing risks to maximise people's choice and control over their lives. Helping people take

positive risks does not override the need for risk assessments where there is a degree of complexity.

Positive risk taking recognises that in addition to potentially negative characteristics, risk taking can have positive benefits for individuals, enabling them to do things which most people take for granted. In the right circumstances, risk can be beneficial, balancing necessary levels of protection with preserving reasonable levels of choice and control.

To determine the risks involved in getting out and about or travel arrangements, the following factors should be considered as part of the social care assessment of need:

- Have a focus on a person's strengths to give a positive base from which to develop travel plans that will support positive risk-taking. The strengths and abilities of the person, their wider social and family networks, and the diverse support and advocacy services available to them should inform a balanced approach.
- Be proportionate to the risk identified, potential impact and subject to ongoing monitoring and review
- Is there any reason to doubt the person's ability to make safe decision regarding their transport arrangements?
- Is there a way to mitigate identified risks to make travel safer?
- Are there any barriers to independent travel? Can these barriers be resolved?
- What public transport is available to the person? Is it safe for them to access the public transport? Do they need help to use public transport?
- Is there a risk to other people, for example in shared transport?

Where a resident is assessed to lack capacity to consent to their travel arrangements, a Best Interest decision will be made in line with the best interest checklist set out in ¹Section 4 of The Mental Capacity Act (2005). The best interest assessment will need to consider the available options for supporting assisted transport arrangements.

7. Travel escorts

If the person is unable to travel unaccompanied and requires support from a travel escort, the health and social care practitioner will need to consider this as part of the assessment. There are a number of different factors that should be taken into account when determining if safe travel can only be achieved by having a travel escort.

- The availability of a family member, friend, carer who could provide travel escort support;
- Whether the person has communication support needs that would impact on their ability to safely use public transport;
- The person's mobility and ability to transfer safely and the risk of falls;
- Psychological factors (e.g. mental health, dementia, lack of confidence, agoraphobia, etc.);
- Challenging behaviours whilst travelling that would make it unsafe for the person or unsafe for others;
- The person's vulnerability, risk of harassment and any related safeguarding concerns.

¹ [The best interests checklist - Mental Capacity Toolkit](#)

If the ability to travel would only be made possible by a travel escort, it is important to check that the person is in receipt of all the qualifying benefits.

8. Support planning

A core principle underpinning the delivery of adult social care in Portsmouth is that of promoting the strengths and abilities of adults with care and support needs. The health and social care practitioner will focus on the 'assets or strengths' of each individual and will identify potential to learn road safety and orientation skills so that they can travel safely and independently.

The care and support plan should take account of the following:

- Promoting independence and inclusion and not increasing a person's dependence on others;
- How transport support or services that can help people meet their eligible needs will be accessed;
- The clear identification of travel arrangements including a contingency plan in cases of unforeseen changes;
- Ensuring people and their family carers are aware of options for transport and that these are reflected in their support plans;
- The need to provide travel escorts if this is part of the person's support plan;
- The support plan will have regard to the sustainability of the plan and on family carers/those undertaking the caring role;
- Making good and effective use of the resources available.

If the person is required to arrange or provide their own transport. This will be clearly identified in the support plan and will be reviewed at the time care and support services are being reviewed

9. Reassessment and review

The assisted travel conditions will apply to all new people, at review and where a person's needs are being reassessed.

Any review and proposed removal of travel assistance will be discussed and agreed with the person and/or their representative. A time-limited transition period will be discussed where appropriate, so that alternative arrangements can be made.

10. Assistance with transport and charging

Once a decision about providing assistance with transport has been confirmed, the Council will facilitate appropriate arrangements for travel assistance, ensuring that the need is met in the best value way.

Assisted transport will sit outside of the adult social care financial needs assessment process.

11. Implementation

This policy will come into effect from April 2025 for people new to adult social care. For people that are currently receiving council funded travel assistance, this policy will be implemented at the time of their next reassessment or review after 1 April 2025.

For existing customers who will no longer be entitled to assisted transport under this policy, their circumstances will be considered on an individual basis. A transitional period of up one month may be offered to support them to travel independently or to make use of alternative arrangements following their reassessment/annual review.

12. Appeals

Any person who is not satisfied with the Council's decision in relation to transport or the service provided, should in the first instance liaise with their allocated health and social care practitioner.

Where agreement cannot be reached the matter will be referred for further consideration to the Deputy Head for that service. If the person/their representative then remains dissatisfied with the Council's decision they can make a complaint under the Adult Social Care complaints procedure.

The person/their representative should be given a complaints process leaflet or provided with the following information:

You can contact complaints in the following ways:

- by phone on [023 9284 1172](tel:02392841172) (you can also phone to request a postage-paid complaints form)
- in person by making an appointment
- by writing to: The Complaints Manager for Social Care, Portsmouth City Council, 5th Floor, Civic Offices, Guildhall Square, Portsmouth, PO1 2EP
- by sending an email to asccomplaints@portsmouthcc.gov.uk

Appendix 1

Education Transport for post 16 Students

There is no statutory entitlement to transport for young people attending Post 16 education (even for young people who had an entitlement when at school) but young people or their parent/carer can apply to be considered for a discretionary award of transport if they have an Education Health and Care Plan.

Students under the age of 19:

The Portsmouth Travel Assistance Statement for post 16 learners sets out for young people, 16-19 years of age, the available travel options for accessing study in or around Portsmouth. This includes information about how Portsmouth City Council will assist with travel expenses for some Post-16 students with an Education Health and Care Plan who meet the Exceptional and Significant Circumstances criteria.

Students on a continuing course:

Students over the age of 19 with an Education Health and Care Plan who are on a continuing course and who meet the Exceptional and Significant Circumstances criteria may still be eligible for a discretionary award of transport. The same process for making an application will need to be followed as for students under the age of 19.

Important Note: There is no expectation that Adult Social Care will become involved in funding travel for 16-19 years who are still in education/studying. Parents/carers who have applied under the Exceptional and Significant Circumstances criteria and been refused should be directed to the Appeals Process set out in Appendix C of the Portsmouth Travel Assistance Statement for post 16 learners with Special Educational Needs and Disabilities

[Travel assistance statement for post-16 learners 2024-25 - Portsmouth City Council](#)