

Executive

27 April 2017

**Report of the Director of Housing, Health and Adult Social Care
Portfolio of the Executive Member for Adult Social Care & Health**

CYC Customer Transport – Future Options and Approaches

SUMMARY

This report considers the options available for the delivery of an efficient sustainable transportation model for adult social care customers (aligned with the principles of independence, choice and control as set out in the Care Act 2014).

Whilst various approaches have been considered it is highly recommended that CYC executive adopts a personalised approach whereby every adult customer is offered a direct payment to make their own transport arrangements. The recommendation is fully in line with the principles of the Care Act 2014; to create a culture of personal commissioning, placing emphasis on prevention, early intervention and the maximisation of self care.

The report also recommends establishing a set of clear eligibility criteria for access to transport services, embedding the principle of personalisation and ensuring that customers assessed as having the potential to travel independently are encouraged and supported to do so.

RECOMMENDATIONS

1. The Executive are asked to:
 - a) Approve Option 1 within the report – the personalised approach.
 - b) Approve the eligibility criteria for access to transport services (as set out in Section 7.2).
 - c) Approve the closure of the CYC Fleet Transport Service by March 2020.

Reason: To deliver a sustainable, integrated transportation model which empowers adult customers to exercise independence, choice and control over their transport arrangements (in line with the principles of the Care Act 2014).

BACKGROUND

- 2.1 There is a pressing need to consider personalised transport solutions which will equip adult customers with the confidence to shape their own support. The recommended option will ensure that transportation to adult social care destinations is flexible, accessible and tailored to the specific requirements of disadvantaged individuals and communities of interest.
- 2.2 Driven by the principles of the Care Act 2014 the proposal forms part of a broader movement within Adult Social Care to encourage customers with complex needs to use health and care services more effectively, focusing on the lives they want to live and exploring better alternatives to traditional services. Recognising citizens' abilities to make decisions and enabling them to exercise greater control over their day-to-day lives are the primary aims of this philosophy.
- 2.3 This philosophy has been applied to adult social care transportation to an extent over the last 18 months (through the introduction of YILTS independent travel training and peak time travel passes). However, the majority of the 184 adult customers requiring transport to reach their social care destinations are still heavily reliant on CYC commissioned support.
- 2.4 Approximately two thirds of these customers are currently being transported via an in-house fleet of rapidly ageing vehicles, whilst one third are transported by shared or individual taxis via a CYC contract with Streamline Taxis. Over 90% of the overall customer cohort are adults with learning disabilities (travelling to centres such as Brunswick Organic Nursery, Greenworks, Pine Trees etc). A small number of older (Long Term Team) customers use commissioned transport to access day care services on a regular basis.
- 2.5 The existing approach is fragmented and inefficient. It also represents a conventional approach to commissioning which fosters a culture of dependency amongst adult customers and does nothing to promote independence or self determination. This goes against the principles of the Care Act which seek to place the customer at the centre of the decision making process, equipping them with the confidence to shape their own care and support arrangements.

Initiatives to Encourage Independence:

- 2.6 Over the last 18 months the adults commissioning team has introduced various measures to encourage independent travel e.g. YILTS travel training, the issuing of peak time travel passes and greater utilisation of mobility vehicles. Where these options have been taken up they have often led to highly positive outcomes for the adult customer, and there is potential to expand these schemes through the personalised approach (See Appendix A for further details of independent travel initiatives).

Budgetary Implications

- 2.7 Through its active promotion of independent travel the recommended approach is expected to achieve budgetary savings of over £272k by March 2020. (£89k of which have already been realised, leaving an additional £183k savings to be achieved over the forthcoming 3 financial years). Whilst savings are to be welcomed it should be emphasised that they are very much a consequence of a more appropriate and fitting approach to service provision rather than a driver for change in themselves.
- 2.8 Any budgetary savings should be viewed within the wider context of significant CYC investment in passenger transport. In 2016/17 CYC committed £5.4m towards concessionary bus passes for elderly and disabled customers, £690k in local bus service contributions and £100k in support of Dial-and-Ride. CYC remains firmly committed to supporting passenger transport over forthcoming years.

3. CONSULTATION

- 3.1 Previous Consultation: All adult users of transport services, their carers (and key service providers / representative forums) were contacted in writing and invited to express their views/opinions to their usual Social Worker, or to attend a Transport Consultation Event held at the Priory Street Centre in November 2014.
- 3.2 The intention of the Consultation Event was to gauge the willingness of adults with substantial needs to accept a personal budget / direct payment for the transport element of their support and their willingness to explore independent travel options.
- 3.3 The event was attended by over 40 people (predominantly service users, but also carers and support agencies) with additional correspondence received from customers unable to attend i.e. 50 responses in total.

- 3.4 Some customers (particularly younger customers with learning disabilities) were dissatisfied with the 'one size fits all approach' of fleet vehicles transporting them en masse from home to a particular destination, sometimes resulting in journey times of an hour or more. However, it should be noted that some older learning disability customers (and parents) were concerned at the potential removal of the fleet and the necessity to make their own transportation arrangements.
- 3.5 Several customers expressed interest in having access to transport direct payments to facilitate personalised, independent travel. These customers welcomed the opportunity to select a provider of their choosing rather than have one imposed on them by CYC. A number of innovative travel approaches were also put forward, including the pooling of direct payments to employ an escort to accompany customers on public transport. Again it should be noted that the concept of a personalised approach was far more popular with younger learning disability customers than those who had travelled by fleet or individual taxi for many years.
- 3.6 Since the consultation event YILTS Independent Travel Training was introduced in 2015. This led to a series of ongoing conversations with adult transport customers, service providers and parents about the benefits of a personalised approach and the likelihood that CYC might introduce a personalised model whereby every adult customer was offered a direct payment to make their own transport arrangements.
- 3.7 Adult customers with learning disabilities were contacted by CYC in writing in January 2017 informing them of potential changes to commissioned transport arrangements, the need to deliver a more efficient adult transport model moving forwards and the necessity to introduce a clear set of eligibility criteria for access to CYC commissioned transport services.
- 3.8 As part of the detailed project plan accompanying the recommended approach one of the first actions will be the appointment of a dedicated project manager with a strong social care background who will support vulnerable customers with the introduction of the personalised model.

4. OPTIONS

OPTION 1: Personal Budget Approach

- 4.1 As outlined at 2.1 there is a pressing need to consider personalised transport solutions which will equip adult customers with the confidence to shape their own support. Option 1 proposes that CYC introduces an entirely personalised approach whereby every adult customer is offered a direct payment to make their own transport arrangements.
- 4.2. Through this option adult customers will be offered a transport direct payment and will be able to choose their support from a Framework of CYC Approved Providers, who will set out a clear menu of charges. Customers will be at liberty to pursue other creative transport options or to purchase support from providers not included on the framework if they so desire. Customers will be supported in this process through the appointment of a dedicated Project Manager for at least the first 18 months of the personalised approach.
- 4.3 Through Option 1 the extended contractual arrangements with Streamline Taxis would cease on 31st October 2017 and would not be retendered. It is anticipated that CYC's internal fleet service would reduce incrementally over the next 3 years with a view to close the service by 31st March 2020.¹ Reduction in staff numbers may occur by natural wastage over the same period. If not, the remaining workforce would potentially be at risk of redundancy by 31st March 2020 at the latest.
- 4.4 It is proposed to keep the calculation of transport direct payments (and customer contributions) separate to the broader RAS calculation of customer care and support costs. CYC will only need to meet the costs of any eligible transport needs that cannot be met by the customer's mobility benefits. (See Section 7.1 charging for further detail).
- 4.5 The CYC fleet provision and Streamline Taxi contracts were managed by Children's Services until 31st March 2017. Irrespective of which option is adopted it has been agreed to transfer management of both functions to Adults Provider Services from 1st April 2017 onwards.

NB: This does not mean that all Streamline Taxi customers must take up Direct Payments (DP) by November whilst the take up of transport DPs is introduced over a longer timeframe for fleet customers. *Destinations* rather than customers will determine the first customer cohort to take up Transport DPs i.e. where customers are travelling to the same destination at the same times (be it via fleet or taxi) they should be the first to take up a DP. These customers will be encouraged to pool their Transport DPs to pursue options such as sharing a minibus, employing a shared escort etc. It is likely that by November 2017, some of the taxi customers who struggle with the concept of DPs may be transferred to the fleet (for a short time at least). And by the same token some fleet customers would leave the fleet and take up a DP sooner than anticipated.

Option 1: Advantages

- 4.6 Option 1 is by far the most closely aligned to the principles of independence, choice and control as set out in the Care Act 2014. It gives customers the confidence to take ownership of their own support requirements and significantly strengthens personal resilience.
- 4.7 Option 1 breaks away from traditional approaches to the commissioning of transport that have reinforced dependency amongst citizens and stifled innovation. It is the only option which will allow truly imaginative, flexible approaches to adult transport. The proposal is in line with emerging initiatives within Adult Social Care to create a culture of personal commissioning - placing emphasis on prevention, early intervention and the maximisation of self care. The proposal forms one element within the introduction of a new Operating Model for Adult Social Care which maximises self support / management for all and concentrates on embracing risk and supporting individuals to manage risk.
- 4.8 The project will contribute positively to community cohesion by encouraging customers with learning disabilities to integrate within their wider communities and neighbourhoods, thus avoiding the potential stigma and isolation associated with the existing approach of being transported separately within council fleet vehicles. The project may also open up a completely closed transportation system in favour of voluntary / shared community transportation schemes involving both customers with learning disabilities and members of the wider community.
- 4.9 Equipping adult customers with the skills and confidence to travel independently will enable them to become more actively involved in social and leisure opportunities within their local neighbourhoods, and to more actively participate in the life of their communities. The fact that customers are no longer travelling through formal, structured provision offered by CYC may in turn lead these customers to explore alternatives to their existing social care destinations. For instance customers may be inspired to seek out new alternative care destinations in their local area - joining local voluntary groups and local community based activities for example or forming their own localised support networks.
- 4.10 The cohort of adult customers who have already embraced personalization through YILTS training have seen genuinely transformative benefits. Being equipped with the confidence to travel independently has developed customers' social skills, financial skills, has

allowed access to leisure opportunities and genuinely proved to be a positive force for good in their lives.

- 4.11 Feedback from customer consultation points to keen interest in transport direct payments amongst some adult customers. Many younger customers would like to take up transport direct payments immediately and are frustrated that there is not already an Approved Provider Framework in place to facilitate access.
- 4.12 In terms of creating a healthy, thriving marketplace of specialist transport providers in York for customers to choose their support from it should be noted that several providers have already expressed an interest in being included on an Approved Provider Framework.
- 4.13 Option 1 over achieves against the requisite budgetary savings of £183k by March 2020. As well as being the most personalised approach it is also the most cost effective.

Option 1: Disadvantages

- 4.14 The calculation and commissioning of each adult customer's transport direct payment on an individual basis might initially prove to be a complex process. Some customers may struggle at the outset with the process of organising all transportation bookings themselves. However, the adjustment to new operating procedures should become easier to manage over time. This initial confusion will be addressed by appointing a dedicated transport Project Manager within the ASC Learning Disabilities team for at least the first 18 months of the personalised approach. (These costs have been taken into account within the cost modelling exercise).
- 4.15 The risk of some existing customer cohorts not fully engaging with the personalised approach will also be mitigated through the employment of the dedicated Project Manager. This individual will possess a strong track record of supporting social care customers through change and will work intensively with the hardest to reach client groups.
- 4.16 The personalised approach places faith in a marketplace of relatively untested providers in York (although any provider included on the CYC Approved Transport Framework will be expected to adhere to stringent safety and safeguarding procedures and must have a clear track record of supporting vulnerable customers with disabilities).

Option 1 Timescales

| Task | Date |
|---|----------|
| Tender Waiver Secured | Jan 17 |
| Seek DMT approval for proposed approach | Mar 17 |
| Seek CMT approval for proposed approach | Mar 17 |
| Executive Member Briefing | Mar 17 |
| Seek Executive approval for proposed approach | April 17 |
| DJCC/CYC staff impacted informed of proposed approach | April 17 |
| Ongoing consultation with CYC staff | May 17 |
| Approved Framework of Transport Providers published | Jun 17 |
| Begin to implement the personalised model | Jun 17 |
| Streamline Provision ends | Nov 17 |
| Fleet Provision Reduces with resultant reduction in CYC staff | Mar 18 |
| Ongoing roll-out of the personalised model | Mar 18 |
| Fleet provision ends. | Mar 20 |

ALTERNATIVE OPTIONS

4.17 The report asks CYC Executive to consider three alternatives to the personalised approach outlined above. However, it should be noted that all three alternative options adhere to a traditional commissioning model which creates a culture of long term dependency and does not encourage customers to shape their own care and support. (In all three alternative options, CYC would still be required to offer customers the choice of having a Direct Payment, but it would not be the predominant approach).

OPTION 2: Approach the Market to deliver Adult's Transport

4.18 CYC would approach the market to seek a single external provider to deliver the majority of adults' transportation requirements from November 2017 onwards.

4.19 Option 2 recommends a change to service provision by contracting out the existing CYC in-house fleet provision by 31st October 2017. The existing fleet staff would be subject to transfer to the new provider in accordance with the Transfer of Undertakings Protection of Employment Regulations (TUPE). They would be transferred on their existing employment contract. This and their main terms and conditions of service would be protected under the TUPE regulations. A waiver has

been secured to extend the current arrangements with Streamline Taxis until the same date, beyond which point the new external provider would undertake this provision also.

- 4.20 As part of the proposed contractual arrangements the successful provider would take on responsibility for all back office functions, including route planning, complaint handling and customer enquiries.

Option 2: Advantages

- 4.21 Option 2 is likely to exceed the requisite budgetary savings by 2019/20 (see Financial Analysis, Section 5).
- 4.22 Option 2 has advantages over other conventional commissioning arrangements - back office management functions are likely to be delivered efficiently through the market and additional staffing costs (for sickness and holiday cover etc) are anticipated to be lower than in-house arrangements due to the economies of scale afforded by the new provider.
- 4.23 If an adult customer wished to receive a transport direct payment in order to exercise choice and control over their transportation requirements this could still be facilitated (following the approach outlined in Option 1).

Option 2: Disadvantages

- 4.24 Option 2 represents a continuation of the traditional, paternalistic approach to service provision with the vast majority of customers exercising no choice and control over their transport arrangements.
- 4.25 Option 2 does nothing to develop the provider marketplace. Instead it places faith in a single transport operator to cater for all customers' needs.

OPTION 3: In-House Approach

- 4.26 Option 3 proposes an expansion of the in-house fleet from 6 to 8 15-seater vehicles to accommodate the majority of adult customers. Once the extended agreement with Streamline Taxis expires on 31st October 2017 the majority of adult customers would transfer to CYC fleet provision.

Option 3: Advantages

4.27 Option 3 would provide stability and continuity for the majority of adult customers. It is a lower risk approach, retaining existing arrangements that are safe and familiar whilst at the same time maintaining the employment of the existing fleet staff.

Option 3: Disadvantages

4.28 Lack of flexibility: Adult customers would continue to be transported en masse via 15-seater minibuses. This creates significant journey times for some customers and does little to promote the personalisation agenda. This option is by far the least favoured by ASC Operational colleagues.

4.29 As with Option 2 this represents a conventional approach to service provision with the vast majority of customers exercising no choice and control over their transport requirements.

4.30 There would be insufficient space within existing CYC premises to house the extended fleet, and new premises would need to be identified (although this has been taken account into the cost modelling exercise for Option 3).

4.31 At some stage new fleet vehicles would need to be purchased (either outright or through contract hire arrangements) which could impact on the cost of this option.

OPTION 4: Continuation of Existing Arrangements

4.32 This option proposes a continuation of existing adults transport arrangements i.e. a split between in house and external provision, retaining the existing fleet of 6 vehicles and re-tendering the individualised transportation element currently provided by Streamline Taxis when existing arrangements expire on 31st October 2017.

Option 4: Advantages / Disadvantages

4.33 The advantage Option 4 is that it offers stability and continuity of provision for all existing adult customers. Aside from the lack of personalisation and continued reliance on CYC to provide support the clear disadvantage would be the expense of this model which is financially unsustainable and would continue to be so in the future. It is therefore recommended that Option 4 is noted, but not considered as a viable model.

5. ANALYSIS

5.1 Financial Analysis

£89k of the £272k adult transport savings agreed through the 2015 corporate budget process have already been realised. The financial appraisal of the options for delivering the remaining £183k saving and improving the transportation of customers are shown in tables 2 – 4 below:

Table 2: Adults Transport Budgets 2017/18 to 2019/20 (£000)

| | Budget 2017/18 | Budget 2018/19 | Budget 2019/20 |
|----------------------------------|----------------|----------------|----------------|
| Fleet | 469 | 469 | 469 |
| Taxis | 315 | 315 | 315 |
| Cumulative budget saving | (48) | (98) | (183) |
| Budget available to recommission | 736 | 686 | 601 |

Table 3: Cost of transport options and comparison to future year budgets (£000)

| Option | Cost 17/18 | (Under) / Overbudget | Cost 18/19 | (Under) / Overbudget | Cost 19/20 | (Under) / Overbudget |
|-----------------------------------|------------|----------------------|------------|----------------------|------------|----------------------|
| (1) Adopt a DP driven approach | 743 | 7 | 607 | (79) | 527 | (74) |
| (2) Re-tender transport provision | 710 | (26) | 656 | (30) | 578 | (23) |
| (3) In-house option | 711 | (25) | 662 | (24) | 593 | (8) |
| (4) Do nothing | 810 | 74 | 758 | 72 | 719 | 118 |

Analysis

- Option 1 assumes that adult customers will use their mobility allowances to meet their transport needs. It is estimated that mobility payments will cover 25% of the costs of adult's eligible transport needs.

- Option 1 delivers £74k above the required budget saving by 31st March 2020.
- Potential redundancy costs mentioned for option 1 are not included in the figures in Table 3
- Option 2 delivers £23k above the required budget saving by 31st March 2020.
- Option 3 delivers £8k above the required budget saving by 31st March 2020.
- Option 4 is £65k cheaper than the current budget but does not deliver the full budget saving.

The above analysis makes the following assumptions:

- All options make the assumption that 7 customers will travel to social care destinations via Mobility Vehicle by March 2019/2020 (see Table 4 below).
- All options make the assumption that 16 additional existing customers will utilise public transport by March 2019/2020 (see Table 4 below).
- All options assume that by March 2020 an additional 24 transitions customers will also have been diverted away from commissioned transport through YILTS Travel Training.

Table 4: Adult Transport 2016-2020 by Customer Usage and Unit Cost

| Transport Mode | | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|---|-----------|------------|------------|------------|------------|
| | Unit Cost | Customers | Customers | Customers | Customers |
| Fleet | 4,423 | 83 | 56 | 28 | 0 |
| Direct Payment (without mobility benefit) | 4,891 | 63 | 80 | 99 | 127 |
| York Wheels | 1,800 | 10 | 12 | 15 | 15 |
| Mobility Vehicle | 0 | 2 | 5 | 7 | 7 |
| Public Transport | 0 | 26 | 31 | 35 | 35 |
| Total Customers | | 184 | 184 | 184 | 184 |

6. COUNCIL PLAN

- 6.1 The proposals are fully in line with corporate priorities, as set out in the Council's Plan 2015-19 in particular the following themes:

A focus on frontline services

Future transportation proposals are in line with one of the Key Aims of this priority that all children and adults are listened to, and their opinions considered. This initiative will ensure that a joined-up approach is taken across services and that services are firmly people focused.

A council that listens to residents

Adult transport proposals are in line with proposals to be more flexible and responsive to customer and resident requirements, working in partnership with customers and communities to deliver the services people need and want.

7. ANALYSIS

7.1 Additional Financial Information

Customer Charging:

Advice has been sought from the CYC Legal Team who have supplied the following information re adults transport and CYC's duties under the Care Act:

Local authorities have a duty under the Care Act to provide transport where the assessment of an individual has concluded that the person has an eligible need for transport e.g. to get him / her to a social care related activity. Mobility benefits must be disregarded in the financial assessment. Furthermore, the minimum income guarantee cannot be reduced by the cost of the transport to the council.

However, it is lawful for local authorities to charge for meeting the eligible transport costs of individuals. Therefore if Options 2, 3 or 4 were to be recommended a similar arrangement to the current charging policy would be likely to apply i.e. customers are financially assessed as to what they can afford to contribute to the cost of their journey, the maximum amount being £4 per journey at present.

If an individual is in receipt of mobility benefit, it is unlikely that they will have eligible transport needs as they can use their mobility allowance to meet their transport needs. However, if an individual has transport needs

over and above those that can be met by the mobility allowance, then this extra need will be an eligible transport need. The council will have a duty to meet this need and can do so in a number of ways e.g. directly providing the support, commissioning / contracting with a provider or making a Direct Payment. The council must then disregard the mobility component of disability living allowance or the mobility component of personal independence payments in any financial assessment because these will already be being used by the customer to meet their transport costs .

It is lawful for CYC to offer a direct payment based on the most cost effective mode of transport provided it meets the customer's eligible transport needs. CYC will calculate the direct payment based on the charge of the least expensive provider on the Approved Provider Framework. If the customer wishes to use a more expensive operator they will be able to do so but will be expected to make up the difference in cost from their own resources.

It is acknowledged that a separate piece of work needs to be undertaken regarding the specific detail of customer charging options, bearing in mind the Legal advice in respect of customer charging set out above.

Community Centre Vehicles: Aside from fleet vehicles a proportion of the overheads for a further 5 x vehicles (2 x Yorkcraft vans and 3 x minibuses based at Pinetrees, Pastimes and Community Base) are currently charged against the central ASC transport budget code (amounting to £24k per annum). These costs have been taken into account when calculating the figures in Table 3.

7.2 Customer Eligibility Criteria

It is recommended that the following eligibility criteria are adopted in relation to adults commissioned transport provision:

A) CYC commissioned transport will only be provided to adult customers in future if it is the only reasonable means of ensuring that the customer can be safely transported to an assessed and eligible service. In all other circumstances, the adult will be provided with a Direct Payment with which to purchase their own transport. In the absence of any CYC commissioned transport from April 2020 onwards all adult customers with eligible transport needs will be provided with a Direct Payment with which to purchase their own transport.

B) Prior to accessing commissioned transport adult customers will be assessed in terms of their ability to travel independently, and customers with the potential to do so will be supported through the YILTS initiative (see Annex A). The assessment process will form part of a customer's social care review process and will be updated on an annual basis. Access to commissioned transport may be removed or refused if customers are unwilling to participate in the assessment process.

C) Mobility Vehicles: If a customer has access to a vehicle funded through the Motability scheme this vehicle must be used to support the customer to reach their social care destinations wherever it is reasonable and possible to do so. As above access to commissioned transport may be removed or refused where it has been deemed reasonable and possible for customers to reach their social care destinations using their mobility vehicle.

CYC Executive are asked to endorse the above criteria for future access to adults commissioned transport services. (The criteria will be communicated to customers as part of their ongoing review process. It is also envisaged that the criteria will be clearly set out within a combined Adults and Children's Transport Policy Document to be produced by the Autumn of 2017).

7.3 The Approach of Other Local Authorities

A number of local authorities have already adopted an entirely personalised approach to the provision of adults transport. Some of the London Boroughs no longer provide in-house or authority contracted position, instead offering customers comprehensive advice and information to access services safely and independently from the marketplace. Enfield Council are a key example, whilst others (Hammersmith & Fulham, Kensington & Chelsea and the City of Westminster) offer very limited in-house / contacted provision as increasing customer numbers use Personal Budgets to arrange their own transport.

Neighbouring authorities within the Yorkshire region in have adopted a more traditional approach. North Yorkshire County Council transports approximately 90-95% of its Adult Social Care learning disability customers (3,300 customer journeys per week) via an in-house fleet of 42 vehicles (at a cost of approximately £2m per annum). The remaining customers travel by community transport or spot purchased taxi arrangements. Similar arrangements exist in East Riding where the council also supports the majority of its learning disability and elderly

customers via in-house fleet arrangements. (780 journeys per week via a fleet of 25 vehicles supported by 5 spot purchased private hire taxis). Annual costs are in the region of £1.1m.

However, it should be noted that East Riding Council has recently introduced transport direct payments. Take up has so far been relatively modest. However, as with the London boroughs, usage is anticipated to increase over forthcoming years.

8. IMPLICATIONS

8.1 Human Resources (HR): The current CYC fleet employs 6 permanent staff comprising 5 FTE Drivers at Grade 4 and one 0.64 FTE Escort at Grade 2. The proposed personal budget approach would result in a phasing out of the current internal provision by 31 March 2020. Over this period staffing levels would need to reduce incrementally. Appropriate consultation with trade unions and staff would need to be conducted to ensure that potential job losses are managed in accordance with the council's existing policy on Supporting Transformation (managing change) to mitigate compulsory redundancies, wherever possible.

8.2 Equalities: In considering this matter the Council must have regard to the public sector equality duty. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c. Foster good relations between people who share a protected characteristic and those who do not.

The Act explains that having due regard for advancing equality involves:

- a. Removing or minimising disadvantages suffered by people due to their protected characteristics.
- b. Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- c. Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The key equalities implications associated with this report and proposed actions to mitigate any potentially negative impacts are set out within Annex B, Integrated Impact Assessment.

- 8.3 **Legal:** As outlined in paragraph 7.1 the Council has a duty to meet the eligible needs of an individual. It follows that if an adult customer has an eligible need for transport i.e. because without it they cannot access activities in the community (that form part of their assessed care package) then the council should meet this need. The need can be met in a number of ways e.g. directly providing the support, commissioning / contracting with a transport provider or making a direct payment.

The council will only know whether the customer has an eligible need for transport following an appropriate assessment.

The Council are entitled to adopt criteria to determine the eligibility of individuals for forms of transport which meet their assessed needs. The criteria set out in paragraph 7.2 are lawful.

- 8.4 **Crime and Disorder:** There are no crime and disorder implications.
- 8.5 **Information Technology (IT):** There are no information technology (IT) implications.
- 8.6 **Property:** There are no property implications.

9. RISK MANAGEMENT

- 9.1 Risks associated with the recommended approach include customer reliance on a range of transport providers who are relatively untested in York. This risk will be mitigated by the ASC Commissioning Team making it clear to providers on the Approved Framework that it will seek feedback from social care staff and customers regarding their performance. If aspects of a provider's performance give cause for concern to either City of York Council or its customers the right is reserved to remove the organisation from the Approved Framework.
- 9.2 A further risk associated with the Approved Framework could be the inability of transport operators to offer wheelchair and escort provision at peak time periods due to conflicting demands. It will be essential to attract operators (particularly specialist community transport operators) in sufficient number to meet demand from the adult customer client group.

- 9.3 There may be a safeguarding risk for customers who choose to use transport operators not on the approved CYC framework, and therefore not subject to the same stringent checks on safety and other operating procedures.
- 9.4 The other key risk associated with the personalised approach revolves around the amount of support customers may require (at least at the outset of the personalised approach) to form friendship groups and make collective or individual transport arrangements. This risk will be mitigated by employing a dedicated Project Manager within the LD team to analyse customer journey patterns, make customers aware of sharing opportunities and support the launch of the personalised approach through ongoing engagement with customers and their families.
- 9.5 **Emergency Bookings:** On some occasions it may be necessary for CYC to rapidly make emergency arrangements for one-off journeys. Often these are emergency respite placements (i.e. where the carer has been admitted into hospital) or carers breaks. They are typically for customers who need wheelchair taxis or emergency placements and those customers where the family / carers cannot assist. In situations of crisis CYC will need to spot purchase support for these customers moving forwards.
- 9.6 Other risks (and mitigating factors) associated with the recommended approach in terms of its impact upon specific customer cohorts are set out in detail within the Integrated Impact Assessment (Annex B) which contains a detailed action plan to mitigate risk.

Contact Details:

| | | | | |
|--|--|-------------------------------------|------|------------|
| Author | Chief Officer Responsible for Report | | | |
| Adam Gray Commissioning Manager Adult Social Care Tel No.01904 551053 adam.gray@york.gov.uk | Martin Farran Director of Adult Social Care Michael Melvin Assistant Director (Adult Social Care) | | | |
| | Report Approved | <input checked="" type="checkbox"/> | Date | 18/04/17 |
| Specialist Implications Officer(s) | | | | |
| Finance Steve Tait (ext 4065) Legal Melanie Perara (ext 1087) HR Beverley Kershaw (ext 2269) | | | | |
| Wards Affected: List wards or tick box to indicate all | | | | All |
| For further information please contact the author of this report | | | | |

Background Papers:

Annexes

Annex A: Summary of Independent Transport Initiatives and Travel Patterns

Annex B: Integrated Impact Assessment