

<u>MEETING</u> POLICY AND RESOURCES COMMITTEE
<u>DATE AND TIME</u> TUESDAY 17TH MAY, 2016 AT 7.00 PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
1.	PUBLIC QUESTIONS AND ANSWERS	1 - 12

Kirstin Lambert; 02083592177 kirstin.lambert@barnet.gov.uk

This page is intentionally left blank

**POLICY AND RESOURCES COMMITTEE
TUESDAY, 17 MAY 2016**

PUBLIC QUESTIONS AND COMMENTS

Note

At the meeting, a time period of up to 30 minutes, is available for public questions and comments in total. If they wish the questioner at the meeting may ask one supplementary question to the original question, which will be answered without discussion. The supplementary question must be relevant to the original question put to the Chairman.

Qn No	Item No	Raised By	Question Raised	Answer
1.	6(c)	Theresa Musgrove	How many Freedom Passes were issued to residents with disabilities in the year to the end of March, 2016?	<p>In the year to the end of March 2016 the following number of Freedom Passes were issued to disabled residents:</p> <p>New Applications – 540 Renewals in relation to the 2015 process – 1,993 Renewals in relation to the 2016 process – 1,021</p>

2.	6(c)	Theresa Musgrove	How many residents with disabilities were sent letters regarding the renewal of these passes since January 2016?	<p>All residents with disabilities who have had their Freedom Passes renewed have received a letter.</p> <p>In January 2015 4,768 residents had their Freedom Pass automatically extended. During the year, all residents were contacted in order to verify that they were still eligible for a Freedom Pass.</p> <p>Correspondence regarding the renewal of disabled persons' Freedom Passes are automatically dispatched as part of the renewal process (Freedom Passes are only valid for five years).</p>
3.	6(c)	Theresa Musgrove	How many residents have returned applications to renew passes since January 2016?	<p>3,951 residents have returned applications or provided correspondence in relation to the renewal process since January 2016. This is inclusive of both the 2015 and 2016 renewal applications process.</p>

4.	6(c)	Theresa Musgrove	How many residents have now been assessed as no longer qualifying for Freedom Passes, who held one in the year ending 2016?	<p>207 residents have been assessed as no longer qualifying for Freedom Passes, who held one in the year ending 31 March 2016. These relate to those who were retrospectively checked as part of those passes expiring in March 2015.</p> <p>An additional 379 residents have also been assessed as no longer qualifying for Freedom Passes in relation to the eligibility assessment process for those expiring in March 2016. This cohort has been through the standard process (not retrospectively checked) and we are not aware of any complaints.</p>
5.	6(c)	Theresa Musgrove	How many Freedom Passes have been issued to residents with disabilities so far in 2016, since January, ie. broken down into renewals, and new applicants?	<p>The total of successful new applications for Freedom Passes from residents with disabilities issued since 1 January 2016 is 137.</p> <p>There were 1,993 passes renewed of those expiring in March 2015, for the 2015 process.</p> <p>There were also 1,021 Freedom Passes that have been renewed for residents with disabilities since 1 January 2016. These were for the 2016 process.</p>

6.	6(c)	Theresa Musgrove	When was the decision to force disabled residents to re-apply for their Freedom Passes made, and by whom?	Freedom Passes are valid for five years. When passes are due for renewal, checks are made to ensure that residents still qualify for a pass, live in the borough and have not moved on to elderly person passes. This is the process that was inherited from London Councils when the Freedom Pass process was transferred to the Local Authority in 2010/11.
7.	6(c)	Theresa Musgrove	Was the decision discussed, or at any stage approved by elected members?	There was no decision (see above) and there was a process set down to be followed. Therefore this was not discussed with London Borough of Barnet Elected Members.

8.	6(c)	Theresa Musgrove	Was the decision tested in terms of lawfulness, and if so, when?	Please see the response to answer seven above
9.	6(c)	Theresa Musgrove	Was the decision tested in terms of the potential discriminatory impact of the scheme in both principle and practice, and if so when?	<p>No decision was made by the council. Please see above.</p> <p>The council adheres to the Department for Transport's Guidance to Local Authorities on assessing the eligibility of disabled people in England for Concessionary Travel:</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181507/eligibility-review.pdf</p>

10.	6(c)	Theresa Musgrove	Who conducts the 'assessments' of disabled residents called to interview in regard to their passes?	<p>Assessments are only made for residents with physical disabilities by specialist third party Occupational Therapists who perform an Independent Mobility Assessment (IMA).</p> <p>At present the assessment for those residents with learning disabilities or mental health problems are made on the basis of meeting criteria for registering with the adult social care learning disability service or Dennis Scott Unit for mental health.</p>
11	6(c)	Theresa Musgrove	When was the testing of mobility by forcing a resident to walk up and down stairs, or to a bus stop in front of an assessor approved, and by whom?	<p>The assessment performed by our independent mobility assessors is a standard assessment. The IMA assessments are carried out by Health Care Professionals who are registered with the Health and Care Professions Council (HCPC). This is a web-based register that can be checked by members of the public. Our assessors are Occupational Therapists and Physiotherapists and are all registered with the HCPC.</p>

12	6(c)	Theresa Musgrove	Does the council believe that someone with a disability such as autism or Down's Syndrome may achieve some sort of recovery and seek fraudulently to retain a Freedom Pass, and if not, why oblige residents with such needs to renew their passes?	The council is under an obligation to ensure that it checks residents' entitlement to Freedom Passes and that this eligibility is checked every five years when passes are due for renewal.
13	6(c)	Theresa Musgrove	Who was responsible for drawing up what appear to be criteria that are in conflict with, and more restrictive than, the statutory criteria?	The council bases its criteria on Department for Transport guidelines. However, the council is now reviewing its methods for assessing the criteria to ensure it still fits the ethos of the Care Act .
14	6(c)	Theresa Musgrove	Who made the decision to cancel the passes of disabled residents who were deemed not to meet the new criteria?	Passes were only cancelled if residents did not meet the criteria as set out within the council's process, a request was sent to London Councils to cancel the Freedom Pass

15	6(c)	Theresa Musgrove	Was this decision tested in terms of the safeguarding implications for vulnerable residents whose passes no longer were valid?	Residents were notified as to the cancellation of their Freedom Pass. Residents were able to contact adult and children's social care if they required advice or assistance on travel.
16	6(c)	Theresa Musgrove	Was this decision tested in terms of the financial implications for vulnerable residents who would have to pay transport costs as a result of losing their pass?	Residents were notified as to the cancellation of their Freedom Pass. Residents were able to contact adults and children's social care if they required advice or assistance on travel.
17	6(c)	Theresa Musgrove	Why did staff continue wrongly to inform residents who made enquiries about the reason for the spurious renewal scheme that it was due to a change in criteria by London Councils?	We apologise if staff miscommunicated the situation to residents. We will address communication and the tailoring of communication to meet residents' needs as part of our review into the Freedom Pass process.
18	6(c)	Theresa Musgrove	Why was the renewal scheme only suspended when publicised on local blogs and after I made a complaint to the Monitoring Officer and Cllr Rajput?	The council was aware of issues with the Freedom Pass renewal process via complaints and we were investigating these individual complaints in March 2016. It subsequently became clear as more cases came to light that there were shortcomings with the council's processes rather than it being restricted to known isolated cases.

19	6(c)	Theresa Musgrove	Why was the scheme not suspended when residents complained earlier in the year?	Individual complaints were being dealt with according to the Freedom Pass appeals process and the council's complaints process. Officers decided to temporarily suspend the 2015 renewal process when it became clear that there were shortcomings in the process.
20	6(c)	Theresa Musgrove	Why after the scheme was allegedly suspended were residents who had lost their passes obliged to continue with appeals to have their passes returned, with the same proof demanded by the new criteria?	We apologise for the additional inconvenience caused to those residents who had lodged a formal appeal. The appeals process will no longer be required for the 207 residents who had their passes removed in 2015. Instead, all of the residents will have their passes temporarily reinstated whilst the council performs a review of the Freedom Pass process.
21	6(c)	Theresa Musgrove	What steps have been taken to restore passes to those wrongly deprived of this vital travel pass, with no further distress caused to them or their families?	We will write to the 207 residents affected and tell them that their Freedom Passes will be temporarily reinstated whilst we review the Freedom Passes process.
22	6(c)	Theresa Musgrove	When will they be financially compensated for the costs incurred by the wrongful cancellation of their passes?	We will consider compensation on a case by case basis.

23	6(c)	Theresa Musgrove	Has there been any formal investigation into the running of this scheme and, if so, what are its conclusions?	Officers will review the entire Freedom Pass process, including the criteria relating to learning disabilities and mental health.
24	6(c)	Theresa Musgrove	When did councillors of both parties first become aware of the 'renewal' scheme, and cancellation of Freedom Passes?	We have not been able to ascertain this information at the current time.
25	6(c)	Theresa Musgrove	How much in total has been made in terms of savings through the cancellation of Freedom Passes?	The council has spent approximately the same amount of money on disabled persons' Freedom Passes each year (circa £2.2 million) for the past five years. This figure is not static and fluctuates slightly each year due to changes in the Freedom Pass cohort and is directly affected by personal use. No savings in the medium term financial plan are attributed to Freedom Pass usage.
26	6(c)	Theresa Musgrove	To what extent, if any, would Capita gain financially, directly or indirectly, through savings made from the cancellation of Freedom Passes?	Capita were paid circa £100,000, for 2015/16 and 2016/17, to administer the Freedom Pass renewals process. No gain share applied.

27	6(c)	Theresa Musgrove	Are there any other schemes, either implemented, or proposed, for the council to make savings from the care, support, or current entitlements of any vulnerable and disabled residents of the borough?	<p>The council's plans for the medium term financial strategy for children's social care are set out in the council's Commissioning Plan (2015-20) for the Children, Education, Libraries and Safeguarding Committee and annual budget setting reports. These papers are published on the council's website:</p> <p>https://barnet.moderngov.co.uk/documents/s19583/Appendix%20A3%20-%20CELSC%20commissioning%20Plan.pdf</p> <p>The council's plans for the medium term financial strategy for adult social care are set out in the council's commissioning plan for adults:</p> <p>http://www.cpa.org.uk/cpa-lga-evidence/London_Borough_of_Barnet/Barnet-Adults%20_Safeguarding_Commissioning_plan_v20_(jm).pdf</p>
28	6(c)	Theresa Musgrove	Are the Conservative Members of the Council still entitled to free parking permits, and how much subsidy does that require from the borough's taxpayers?	<p>All councillors within the London Borough of Barnet are able to apply for a Members' parking permit. There is no cost associated with this permit. This can only be used for official council business and it should be noted that Members that live within CPZs must pay for their residents' permits, should they apply for them.</p>

29	6(c)	Amatare Amo	Why did the council send the letters to everyone's home address about the so called Freedom Pass renewals knowing the expiry date is 30 March 2020?	In 2010, 4,768 passes were issued to Barnet residents, which were therefore due to be renewed in 2015 (passes are valid for a five year period). In 2015, it transpired that there was not adequate time to carry out the necessary checks before the renewal deadline for those passes issued in 2010. In order to guard against passes expiring, an agreement was reached between LBB and London Councils that passes due for renewal in 2015 would be automatically renewed, and that the authority would retrospectively check eligibility of individual cases against the criteria.
30	6(c)	Amatare Amo	Why is Capita now in charge of Freedom Pass?	In 2013, a wide range of customer-facing and back office services were transferred to Capita under the Customer and Support Group contract. The management of Freedom Passes was not part of the original contract, but when the issue of the 2015 renewals came to light, Capita were asked to carry out the renewals process on the council's behalf.
31	6(c)	Amatare Amo	It is a plan for the council to scrap the Freedom Pass travel scheme?	No.