

## WEST DUNBARTONSHIRE COUNCIL

### Report by the Interim Executive Director of Social Work and Health

Council: 26 May 2010

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**Subject: Eligibility Criteria for the Independent Living Fund (ILF)**

#### **1. Purpose**

- 1.1** The purpose of this report is to advise members of the recent changes made by the Independent Living Fund (ILF).

#### **2. Background**

- 2.1** The ILF was established in 1988 and is managed by an independent board of trustees. The Fund's purpose statement is as follows:

*"To provide financial assistance, under the terms of the Trust Deeds, in an efficient, cost effective way that reflects a disabled person's requirements for personal care and domestic assistance, which enables independent living".*

In Scotland there are 3,645 individuals in receipt of an ILF award. The value of this funding is approximately £64m per annum.

- 2.2** Community Care groups that meet the eligibility criteria for ILF are:

- People with physical disabilities;
- Young people with disabilities (in transition); and
- People with learning disabilities.

- 2.3** In recent years the ILF Trustees have made a number of changes to their eligibility criteria. These changes have impacted negatively on the numbers of individuals eligible to apply. These changes were:

- Upper age limit reduced from 66 years to 65 years;
- Local authority contribution raised from £200 to £320 per week;
- For existing users the local authority input would require to increase to £320 per week before ILF would increase its award.

- 2.4** In March 2010 social work directors were notified of additional changes seriously affecting the number of disabled people who could make application for ILF funding. These further changes came into effect on 1 May 2010 and are as follows:

- The local authority contribution would be increased from £320 to £340 per week; and

- Only people in paid employment of at least 16 hours per week would be eligible to apply.
- 2.5** It should be noted that the current understanding is that all existing ILF funding in place will be honoured by the ILF. However, given the recent changes and the current economic climate, this would be dependent on the DWP maintaining the current level of funding to the ILF Trust.
- 2.6** Payments are made directly to the fund user's bank account; recipients maintain financial control over their own care arrangements and are accountable to the ILF for all expenditure. Local Authorities do not receive any payments from the ILF and are not responsible for the monitoring or management of awards.
- 2.7** Since its commencement in 1988 to December 2009 there have been 122 ILF awards to disabled people in West Dunbartonshire. The value of this funding is approximately £1.9m per annum. These successful awards have resulted in equivalent savings to West Dunbartonshire Council.
- 2.8** This issue was raised in relation to discussion during an agenda item at the Social Work and Health Improvement Committee on 19 May 2010 and Elected Members on the Committee agreed that the issue should form the subject of an urgent report to Council on 26 May 2010.

### **3. Main Issues**

- 3.1** The implications of the latest change in eligibility criteria for West Dunbartonshire are serious due to the ongoing financial pressures on the Council.

The changes will affect the following groups:

- Potential future recipients – if future potential uptake of ILF by residents was based on current recipients then no one will, in future, meet the new eligibility criteria. Therefore there will be no new applications to ILF in the future.
- Carers - Carers benefit greatly from the additional support that the ILF provides. ILF funding is able to provide 1:1 support for individuals, thus providing respite for carers. The new eligibility criteria will place a greater pressure on carers of community care service users who would have previously been eligible to apply.
- Children in transition – School leavers who would have previously been eligible to apply will no longer meet the criteria and will have to rely solely on services from the local authority and support from parents and carers. Working parents of disabled school leavers will no longer be able to access ILF as an additional source of funding

support. This could result in them leaving paid employment to become full-time carers.

- 3.2** The implications of the changes to ILF are likely to have a significant impact on the Scottish Government's Self Directed Support Strategy and on local authorities desire to promote the "In Control" agenda including personalised budgets.
- 3.3** The introduction of the requirement that recipients are in employment of 16 hours or more has the potential to create double discrimination for adults with disabilities. This is due to the fact that adults with disabilities are already under-represented in the employment market and any criteria which links employment to eligibility would create an extremely uneven playing field.

The arbitrary nature of the changes to ILF criteria presents a significant challenge to the concepts of inclusion and consultation with service users.

- 3.4** The changes to ILF eligibility present a particular challenge to all local authorities. In West Dunbartonshire Council area, there are currently 122 people in receipt of ILF. As none of these recipients are in paid employment, they would not have been eligible under the new criteria. The new criteria, based on our current ILF client base means that it is likely there will be no future applications to ILF. In an attempt to maximise funding prior to the changes, West Dunbartonshire Council has supported 21 new applications and submitted these prior to 1 May 2010.
- 3.5** Without ILF funding, the number of individuals who are able to live independently in the West Dunbartonshire Council area is may be adversely affected.
- 3.6** In keeping with other local authority areas, West Dunbartonshire Council is likely to experience funding pressures in providing support packages to new clients.
- 3.7** West Dunbartonshire Council has actively promoted the challenge to ILF to review the new criteria. It is also understood that CoSLA has or will be making representation to the ILF and the Department of Work and Pensions regarding these latest changes.
- 3.8** It has recently (19 May 2010) come to the attention of officers that ILF have instructed their ILF Assessors to cancel all scheduled assessments and not to arrange any new appointments regarding new applications.
- 3.9** There has been no formal or informal communication made to Council officers regarding this move by the ILF. The belief is that this is due to a very high level of applications being made to the ILF prior to the new criteria coming into force. In light of this information, it is not known how this will affect the remaining 14 applications. It is unclear whether the applicants themselves have yet been notified and what status these applications now have.

## **4. People Implications**

- 4.1 There are no direct people implications for Council employees, however** ILF recipients currently contract with local care agencies to provide support using their ILF award. Alternatively, they can employ Personal Assistants to meet their support needs. These changes will have negative impact on the local economy in terms of employment. The number of support staff employed by both care agencies and ILF recipients to support disabled ILF users in West Dunbartonshire will be affected if no further applications are eligible.

## **5. Financial Implications**

- 5.1** As previously stated, in Scotland there are 3,645 individuals in receipt of an ILF award. The value of this funding is approximately £64m per annum. Scotland receives 7.3 awards per 10,000 population compared to 3 per 10,000 in England. West Dunbartonshire Council's share of the national ILF fund is £1.9m per annum for 122 service users.
- 5.2** Funding requests of the 21 new applications submitted to ILF prior to the eligibility criteria changing on 1 May 2010 equate to £391,330 per annum. To date, 7 of these applications have been assessed and are being considered by ILF amounting to £84,900 per annum.
- 5.3** If eligibility is so restrictive as to essentially end access to the ILF there is a risk that funding pressure will be experienced by the Council, as effectively ILF are funding an element of our service users' care packages. The effect of this is not able to be assessed as future potential service user needs are not known at this time. It can be estimated that, if on average, the Council supported 5 new applicants each year and the average ILF award was £20,000 per year then the annual effect would be £100,000.

## **6. Risk Analysis**

- 6.1** There is a significant risk to both individuals and their carers. Local authorities will face increasing budgetary pressures as a result of the withdrawal of this funding. This will create a high risk that local authorities will be unable to fully meet the needs of all individuals.

## **7. Equalities Impact Assessment**

- 7.1** As noted above the ILF funding is targeted towards people with disabilities and it is clear that the changes identified could have an effect on people with disabilities in the future. Accordingly it is important that ILF have carried out a full equalities impact assessment of these changes. While, as stated in the report it is difficult to quantify the impact of the ILF decisions on Council Services, any change in Council policy due to the impact on the ILF decision, is likely to also need an equalities impact assessment.

## **8. Conclusions and Recommendations**

- 8.1** The most recent changes by the ILF Trustees to change the eligibility criteria will reduce the ability for West Dunbartonshire residents to apply for this funding support. This was notified to all Councils around two months ago and CoSLA has already taken steps to make appropriate representations to the ILF Trustees and to the Department of Work and Pensions.
- 8.2** The latest unannounced change in practice by the ILF trustees in “freezing” all current applications has created concern and uncertainty for current applicants.
- 8.3** Council is asked to note the changes made to ILF eligibility criteria and the recent unannounced change in practice and the impact it will have on West Dunbartonshire Council and disabled service users.
- 8.4** Council is invited to consider what action should be taken in relation to the issues detailed above.

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Health

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**Appendices:** None

**Background Papers:** None

**Wards Affected:** All