

WEST DUNBARTONSHIRE COUNCIL

REPORT BY DIRECTOR OF COMMUNITY HEALTH & CARE PARTNERSHIP

Community Health & Care Partnership Committee: 6 February 2013

Subject: Update on the Independent Living Fund (ILF)

1. Purpose

- 1.1** To update the committee on the decision to close the Independent Living Fund (ILF) and the intention to transfer monies and management over to Local Authorities.

2. Recommendations

- 2.1** The Committee is recommended:

to note the recent announcement by Central Government to close the ILF on 31 March 2015;

to agree that officers continue to engage with ILF officers to protect the awards currently made to recipients in the West Dunbartonshire area;

to note that a further report will be brought to the CHCP committee once further clarity is established on the detailed arrangements for the closure of the Fund; and

agree that it be remitted to officers and appropriate elected members to make representations to COSLA and the Scottish Government to protect the value of the current ILF awards for West Dunbartonshire recipients.

3. Background

- 3.1** In December 2010 following a suspension of new applicants, the Government announced that the Independent Living Fund would be permanently closed to new applicants. The Government committed to protecting user funding until March 2015 and consulting on how users would be supported after this time. A public consultation was held between 12th July 2012 and 12th October 2012.
- 3.2** The consultation asked for comments on the proposal to close ILF in 2015 and devolve funding to local governments in England and the devolved administrations in Scotland and Wales. It also asked how the transition could be managed effectively if this proposal was adopted.
- 3.3** WDC's Consultation Response (Appendix 1) detailed our concerns that the conditions of the closure were "unclear and untested". We were concerned that DWP appear to have ignored or failed to consider the implications of the

wider Welfare Reform Agenda and the cumulative effect of these DWP changes.

- 3.4** We stated that the closure of ILF in 2015 is premature and will result in an additional burden to WDC in terms of monitoring, and ensuring that existing packages of support are maintained in difficult circumstances. The lack of clarity regarding DWP qualifying benefits further complicates the situation

4. Main Issues

- 4.1** On Tuesday 18th December 2012 The Minister for Disabled People (Ms Esther McVey MP) announced that the ILF would indeed close on 31st March 2015 and management of the funds would be transferred to local authorities in England and the devolved administrations in Scotland, Wales and Northern Ireland. The Minister also stated that ILF would begin an intensive and on-going programme of engagement with users and key stakeholders on how the transition process will work. Further guidance and dialogue is anticipated from ILF by the end of March 2013.
- 4.2** The pressing issue for WDC and other local authorities is to ensure that existing ILF awards remain in place prior to any transfer.
- 4.3** WDC has 110 recipients of Independent Living Funding. Recipients are diverse, wide spread and supported by the relevant teams across the CHCP.
- 4.4** The changes in ILF have been anticipated for some time and WDC has been pro-active in preparing for these changes.
- 4.5** In order to be prepared for 2015 we will continue to review care management arrangements and provide support to Care Managers. We are undertaking an extensive review of care packages and will liaise with carers, service users and Stakeholders. More widely we will continue to liaise with ADSW. We continue to be actively involved with ILF on the future changes.
- 4.6** The ILF have indicated they will meet with “key local authorities and devolved administrations”. However, to date there are no details as to how or where this will happen.

5. People Implications

- 5.1** There are no HR issues from this report.

6. Financial Implications

- 6.1** The current value of ILF payments in the WDC area is in excess of £1.7m per annum. There are 110 recipients and the cost of these packages to WDC is 2.54m, averaging £23,090.

6.2 Our primary concern is to protect the value of these awards and ensure that individual recipients retain their amounts in full. We remain concerned that the lack of information, clarity and transparency may impact on our ability to secure current ILF monies.

7. Risk Analysis

7.1 There are no immediate/additional risks arising from this report.

8. Equalities Impact

8.1 It was not necessary to prepare an EQIA at this time. .

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Appendices: WDC Response to ILF Consultation

Background Papers: N/A

Wards Affected: All wards

Appendix 1

Response to Independent Living Fund Consultation September 2012

WDC contributed to and supports the collective response from ADSW. We also wish to add the following response.

Question 1

Do you agree with the Government's proposal that the care and support needs of current ILF users should be met within the mainstream care and support system, with funding devolved to local government in England and the devolved administrations in Scotland and Wales?

This would mean the closure of ILF in 2015.

Response:

West Dunbartonshire Council (WDC) does not agree with proposals of the closure of Independent Living Fund in 2015.

As detailed in the ADSW response, the conditions attached to the closure are unclear and untested. WDC are concerned that this proposal and consultation fails to consider the implications of the wider Welfare Reform Agenda and the cumulative effect of these DWP changes.

ILF Policies & Practice states:

"The ILF wishes to promote real choice and control for all our users"

Removal of the ILF Fund in 2015 pays no regard to this statement.

Closure in 2015 is premature and will result in an additional burden to WDC of monitoring and ensuring that existing packages of support are maintained in difficult circumstances. The lack of clarity regarding DWP qualifying benefits further complicates this situation.

Question 2

What are the key challenges that ILF users would face in moving from joint ILF/Local Authority to sole Local Authority funding of their care and support needs? How can any impacts be mitigated?

Response:

WDC are concerned that this proposal and the consultation fails to consider the implications of the wider Welfare Reform Agenda and the cumulative effect of these DWP changes.

*Maria Miller, Minister for Disabled in her statement on 5 December 2011 said:
“I want to reassure users that we remain fully committed to maintaining their (ILF Users) care packages up to April 2015”*

In this case, a moratorium on (ILF Recipients) benefit re-assessment from DWP is paramount if this statement is to be applied and upheld.

As stated in the ADSW response, the key challenges facing WDC ILF users are:

Users would be required to be reassessed under the current eligibility criteria which may differ from the criteria applied by ILF. There is a risk of this resulting in reduced packages of support.

Additional demands on workforce capacity to undertake a significant number of reassessments will also result in longer waiting times for users.

Users will be subject to allocation of services from resources that are already under considerable pressure.

Through the Welfare Reform, users may well see reduced benefit levels in addition to the withdrawal of ILF funding.

As the employer, each user has a legal obligation to their employees which could be affected by any changes to their current funding. How do DWP propose to, firstly inform and subsequently assist these users to fulfil their legal obligations as employers?

Question 3

What impact would the closure of the ILF have on Local Authorities and the provision of care and support services more widely? How could any impacts be mitigated?

Response

Withdrawal of this funding in 2015 will have far reaching consequences to the smooth transition to personalised budgets in terms of the burden on additional resources and administration implications that will be required for eligibility, assessment and re-assessment.

There will be a significant challenge for the local authority to support users to remain in the community if they have decreased funding.

The closure of ILF will result in further pressures on care management systems.

Local authorities require funding between now and 2015 to allow engagement with users to facilitate forward planning and information sharing.

*Prior to the closure of ILF, agreement should be sought for a “gradual” transfer of funding to bring the closure in line with current SDS proposals.
A change fund needs to be agreed to alleviate resources during any proposed transfer and awards transferred in full to local authorities.*

Question 4

What are the specific challenges in relation to Group 1 users? How can the Government ensure this group are able to access the full range of Local Authority care and support services for which they are eligible?

There may be a significant risk to Group 1 users funding eligibility as these users may not be known to local authorities and when assessed may not meet eligibility criteria for funding. The ADSW response highlights the issues relating to consent to share information.

In addition, without knowledge of this user group, WDC are unable to plan future resources ensuring needs continue to be met.

Group 1 users will be vulnerable to the same employment issues as previously stated.

These users will require to be firstly informed, and subsequently assisted to fulfil their legal obligations as employers.

As detailed in the ADSW response, Group 1 users may choose not to engage with ILF and the local authorities during the transition which could result in potential crisis situations following the withdrawal of funds.

Question 5

How can DWP, the ILF and Local Authorities best continue to work with ILF users between now and 2015? How can the ILF best work with individual local authorities, if the decision to close ILF is taken?

Response:

Open, collaborative and transparent communication, between all parties is essential and meaningful dialogue needs to commence now.

This should include regular updates from DWP & ILF via information sessions with local authorities, users and service providers.

DWP & ILF need to ensure there is Service User representation throughout.

COSLA representation will have an essential role as a vehicle between DWP, ILF, Scottish Government and local authorities.

Visibility and Sharing of information is paramount.

Secondment of a Link Worker from DWP to each local authority area to ensure and preserve communication links.

Agree a Change Fund to facilitate transfer.