



## Tai Pawb

### Response to 'The Future of Independent Living Fund' Public Consultation

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For further information about this paper please contact:

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### **Who we are**

Tai Pawb (housing for all) is a registered charity and a company limited by guarantee. The organisation's mission is, "To promote equality and social justice in housing in Wales". It operates a membership system which is open to local authorities, registered social landlords, third (voluntary) sector organisations, other housing interests and individuals.

### **What we do**

Tai Pawb works closely with the Welsh Assembly Government and other key partners on national housing strategies and key working groups, to ensure that equality is an inherent consideration in national strategic development and implementation. The organisation also provides practical advice and assistance to its members on a range of equality and diversity issues in housing and related services.

### **Tai Pawb's vision is to be:**

The primary driver in the promotion of equality and diversity in housing, leading to the reduction of prejudice and disadvantage, as well as changing lives for the better.

A valued partner who supports housing providers and services to recognise, respect and respond appropriately to the diversity of housing needs and characteristics of people living in Wales, including those who are vulnerable and marginalised.

For further information visit: [www.taipawb.org](http://www.taipawb.org)

Charity registration no. 1110078  
Company No. 5282554

### **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 the ILF in 2015.

Whilst providing services is typically best achieved through a mainstream approach which helps to ensure continuity of service delivery and a whole system approach, in this instance Tai Pawb has concerns that the closure of the ILF (in the proposed manner) would not provide current users with this. We have consulted with Carer's Wales, specifically in regard to this issue and they have a concern that the closure of the ILF in the manner proposed would mean that the disabled person would have less autonomy and independence in their care package, if assessed through Local Authority criteria, they have serious concerns that a cut in the funding package to ILF recipients will lead to a rise of unpaid 'family carers' including children.

We have significant concern that funding being devolved in the proposed manner (laid out within the consultation document) does not 'ring fence funding' and there is a real danger that, with the cuts in Local Authority funding being currently taken, that this money will not reach the intended recipients. In relation to this there is also a significant concern that the additional funding available will not be highlighted to possible recipients. There seems to be no framework or guidance in relation to the best practice for advice and advocacy given to disabled people on how these funds may be obtained, what the eligibility criteria is, and how to ensure their choices related to independent living.

### **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?**

As pointed out within the document and related to a later question there is a possibility for significant disadvantage for those in Group 1 as they may not be known to Local Authorities, their needs have not been assessed by their Local Authority. The significant problem area with this might be how this group relates and works with their Local Authority if they have had no prior contact. (For further information please see our response to question 4)

There is no clear indication within the proposal in relation to a framework for assessment for eligibility or amounts of monies which an applicant would be entitled

to. If this is not addressed there is a significant likelihood of a 'postcode lottery' for those applying for the scheme. This can be mitigated by providing a clear eligibility framework and assessment criteria. There have been concerns voiced by those we have spoken to regarding this linking to the possible assessment process and what would be deemed an 'appropriate level of care and support needed' especially in relation to the provision of night carers. A recent case heard in the Supreme Court (McDonald v Royal Borough of Kensington and Chelsea) looked at this issue in particular. To summarise it was felt that it was appropriate for a non incontinent lady to be provided with 'pads' to meet her night-time toilet needs rather than a carer to help her to the toilet during the night. Whilst this is a complex case the basis of the ruling made by the Supreme Court could have a drastic effect on the assessment of 'adequate' or 'reasonable' care provision for those utilising the ILF or similar. This is likely to be linked to availability of funding for the applicant within Local Authority /Budgets. We would seek not only a clear indication in regards to the eligibility criteria of the individual and the assessment of care needs but that devolved funding to be ring fenced, and assessment of needs to be entirely independent of the available budget. In addition if the amount of money awarded to a Local Authority does not meet the needs within that authority it is unclear how these unmet needs will be addressed. (Please response to Question 3 for further information relating to Local Authorities).

### **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?**

There is a significant concern for needs mapping and budget planning with relation to Group 1 recipients, as some of these may not have been in contact with the Local Authority before. There is also a concern that these people have the possibility of falling through the 'net'.

With regard to both groups there is likely to be a significant increase in workload in handling both current and new applicant to ILF (or similar funding) there is little evidence within the document how Local Authorities are to meet this and we would have concerns regarding their capacity to do so, especially with the continuation of cuts. It is unclear how Local Authorities will receive this money from the Welsh Government, and whilst this might be an issue of concern for the devolved government of Wales we feel this should be addressed and UK Government should be entirely happy with the proposed system before continuing with the closure of the ILF. If Local Authorities will need to bid for this money there might be a significant problem with needs mapping and assessment with the individual areas. We would like confirmation that the assessment process will be the same irrelevant of where in Wales a disabled person lives. Additionally we would like further information on how a Local Authority will be expected to meet unmet need when they have not received enough funding from Welsh Government. It is unclear how 'up rates' in funding can

be achieved in the next financial year. We would like to see a clear indication that Welsh Government will be held to account for the money they have devolved power for regarding the ILF, therefore ensuring that Local Authorities keep clear and accurate records relating to their spending so this can be fed back to Welsh Government and further to this the information can be used to satisfy the National Assembly for Wales that the devolved monies are being used in an appropriate manner.

#### **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 is a significant concern for needs mapping and budget planning with relation to Group 1 recipients, as some of these may not have been in contact with the Local Authority before. There is also a concern that these people have the possibility of falling through the 'net'. There needs to be a clear intention that provision of service will continue for these people during the inevitable re-assessment process. We would look for additional support to be provided to this group if the ILF closure plans are confirmed.

#### **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 individual Local Authorities if the decision to close the ILF is taken?**

If the decision to close the ILF is taken there should be comprehensive information given to both the recipients of ILF and the Local Authorities in which they reside relating to their needs. This will include full equality information so this can be taken into account when they contact the recipient. There needs to be a clear needs assessment undertaken so the most appropriate ways of contacting and engaging with the individual is used. Further to this account should be taken with regard to the level and type of care being provided (as assessed) to ensure account is taken of needs arising from a protected characteristic.

#### **Further Comments**

Tai Pawb would like a clear indication of what will happen post 2015, there is no commitment to continue providing monies through the planned devolved process as outlined post 2015. This is giving rise to uncertainty and fear for disabled people and their families.

Tai Pawb would like more information and a clear indication on the impact on people with the differing protected characteristics. As differing needs can arise relating

directly to a person's protected characteristic. These needs might be linked to service delivery processes, communication processes or the preferred types of care. There is no indication that this need has been either mapped or that safety nets are in place to ensure these needs are met.

There is no indication that the assessment of 'needs' criteria which will be put into place by Local Authorities will take into account the need for disabled people to be part of the communities in which they live. The current ILF allows a disabled person to choose when and how to access the support they need, there are concerns that the new criteria will be over 'medical' and will not take into account the emotional and lifestyle support needs of the individual.