



The Future of the Independent Living Fund

DWP

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Introduction

Sense Scotland is a leader in the field of communication and innovative support services for people who are marginalised because of challenging behaviour, health care issues and the complexity of their support needs. The organisation offers a range of services for children, young people and adults whose complex support needs are caused by deafblindness or sensory impairment, physical, learning or communication difficulties. Our services are designed to provide continuity across age groups and we work closely with families and colleagues from health, education, social work and housing. This breadth and depth of approach to service delivery helps us take a wider perspective on the direction and implementation of new policies.

Sense Scotland supports a significant number of service users who receive Independent Living Fund (ILF) funding as an essential element of their support costs. These comments are based on a range of informal and formal contacts we have had with people in receipt of ILF and their families. We are also aware that any decisions taken in relation to the future of ILF may impact on the availability of services to disabled people who are not currently able to claim it.

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.

No. We believe that the ILF offers support for independence in a highly efficient manner, with low levels of bureaucracy and good satisfaction levels. It is a source of funding that could usefully be emulated as a model of good practice and expanded, rather than closed down, in order to promote greater equality between disabled and non-disabled people.

The administration of ILF is noted as moving towards 2.5% in its current business plan¹, and it is hard to conceive of any other agency supporting disabled people that even aspires to approaching that level of efficiency. Transferring ILF to local authorities runs the great risk that the current funds, even if ring-fenced, will reduce in real terms, as more money is eaten up in bureaucracy.

Until the care and support systems that exist are able and prepared to promote full inclusion of disabled people, and cede control to them and their families in relation to their support arrangements, then we believe the proposal to close the ILF will result in more exclusion and less innovative and person-centred support arrangements. We are particularly concerned that any failure to ring-fence the ILF will reduce the overall funds available to disabled people, as they will inevitably be included in overall departmental savings measures.

The proposed closure of the ILF to new claimants is yet another pressure on disabled people and their families, particularly when considered together with

¹ <http://www.dwp.gov.uk/docs/business-plan-201112-image-free.pdf>

increasing charges for social work services, already significant cuts in services and proposed cuts to essential welfare benefits. Benefit cuts affect disabled people themselves, and those who are key sources of support for them. The full impact of this combination of factors is not yet clear, yet it is clear that decisions have already been made which are likely to reduce access to passported benefits, particularly for those who do not qualify for Personal Independence Payment. We believe that this is the wrong time to bring in yet another change that will potentially reduce the inclusion and autonomy of disabled people.

Further, we believe this proposal will result in taking control from disabled people over how money is most usefully spent, and put it into the hands of agencies with over-bureaucratic processes, where professional judgement seems to be less valued in the current climate, and the focus is on budgets not independence.

In the event that the fund is closed, guarantees will be required that any successor arrangements ensure that support for any individual continues at least at the same level across all funding sources for disabled recipients from the date the fund ends. This is not intended to imply that other disabled people should be disadvantaged by this arrangement.

The people we support are based in Scotland and we will make comment to the Scottish Government on our recommendations regarding any new arrangements, in the event that ILF is to be devolved.

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?

Our understanding from the consultation is that a move to sole Local Authority funding in Scotland has not been proposed. If that is in fact what is meant by the proposal, we would have major concerns for the reasons outlined above.

ILF users generally report that ILF has a strong reputation for processing grants; quick turnaround of claims, and efficient, minimal overheads – all of which must be retained under any new devolved arrangement, whether a Scotland-wide or Local Authority scheme. It would clearly be a major step backwards if assessment for any replacement / continuation fund was less focused on promoting independence in its widest sense, than the current ILF. Our services users and their families do not report positive experiences of Social Work Departments when it comes to enabling people with complex support needs to get the support they need. We believe that there is limited understanding and ambition amongst some Social Work professionals to enable disabled people to lead truly independent lives. This is a systems issue which would need to be addressed if the ILF ends.

In the event that the decision is made to close the ILF, then it will be essential that the funds are protected - in how they are used; in the level of management costs and in the simplicity of claiming. They will need therefore to be placed and protected within an appropriate budget.

We recognise that there is an issue that not all disabled people benefit from access to ILF, resulting from its closure to new claimants and leading to a level of unfairness regarding access to enabling funds. Any new arrangement will need to address this issue as part of a wider review of how to give disabled people more control over, and access to, the funds they need to lead an independent life. We would refer the DWP, as we have previously, to Independent Living in Scotland's definition of independent living, and urge that it reflects this definition in any decisions it takes.²

It will be essential that if change results from this consultation, there are well-planned and publicised transition arrangements which ensure no one is excluded from continued support at the level they require. These arrangements must ensure that the focus remains on the service user and their needs. The success of any new arrangements should be evidenced through independent evaluation, planned as part of the transition process. Such evaluation should include, but not be restricted to, the suitability of any statements in the Equality Impact Assessment which must be carried out.

An independent scrutiny panel which includes ILF recipients, ILF trustees, providers and commissioners of support should be put in place to oversee the transition and respond to any evaluation findings.

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?

Again, there is an assumption in this question that funds will be going to Local Authorities, and the consultation document does not make that clear in relation to Scotland.

We are concerned that, due to the speed and combination of welfare reforms, it is as difficult for Local Authorities and other agencies to plan ahead financially, as it is for individual ILF claimants.

We are aware that local authority systems are not as robust as they should be in easily identifying the number of ILF users within their areas, and this will be a particular issue in relation to Group 1 users. However, we do know from our own experience that some Local Authorities have relied on ILF to contribute to essential support arrangements for disabled people. This has resulted in Local Authorities encouraging people to apply for ILF, even though, as a consequence, those same service users had to pay a greater contribution towards their support.

We would be concerned if the end of ILF results in new arrangements involving increased charging for services. We believe, on equality grounds, that disabled people should not have to pay a charge for something which a non-disabled person would not require in order to lead an independent life.

Assessment of eligibility for support from any new fund, whatever body is responsible for administering it, will need to be fit for purpose, and to be fully co-produced with a wide range of disabled people from the outset. It is essential that the

² "Independent living means disabled people of all ages having the same freedom, choice, dignity and control as other citizens at home, at work, and in the community. It does not mean living by yourself or fending for yourself. It means rights to practical assistance and support to participate in society and live an ordinary life".

new arrangements do not reduce the funds available due to costly appeals, contracting costs and management overheads.

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?

We are not able to draw on experiences of Group 1 users, and therefore are unable to provide a detailed response to this question, other than to say that we expect that they will inevitably be affected (and surprised) by the difference in assessment approaches used by local authorities - where the focus is on eligibility and budgets rather than promoting independence. More fundamentally, they may have difficulty even accessing a social worker to support them through any process, or provide them with information.

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 the ILF is taken?

It will be essential that ILF users are kept well-informed about any proposed changes by all statutory agencies involved in their support– whether as a result of ILF alone, or other sources of support. This must include honest information about whether the person is likely to have a less independent life than previously, and must provide justification for any reduction in support, based on a full co-produced assessment of needs. Information must also be provided on how the person can appeal against any decision to reduce their **overall** level of funding and / or support.

Finally:

We have a few points to raise which do not fit under the questions asked:

- We are concerned that the impact of cuts in funds and services being visited on disabled people is disproportionate in relation to cuts for non-disabled people.
- If savings are being sought, then it seems illogical to cut a fund which is so well received, and so cheap to run.
- The provision of support which promotes independence enables disabled people to be active, contributing citizens, whatever their needs. Any threat to citizenship threatens to de-rail many of the justifications for welfare reform.
- Our final point relates to an indirect benefit of ILF – support for carers. To quote one of the parents of someone supported by Sense Scotland:

“Support carers by supporting disabled people.”

For more information on these issues, please contact:

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