



Independent
Living Fund

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Policy Circular

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1.0 Background

The 2006 Deed defines independent living for the ILF: -

1.1 “(g) “Independent Living” means residing otherwise than in a Care Establishment and in an environment in which the Candidate has such degree of choice and control over the provision to him or her of Qualifying Support and Services as is, in the reasonable opinion of the Trustees, consistent with his or her living independently and “to Live Independently” shall be interpreted accordingly.”

The term “Care Establishment” is defined by the deed at 1(1)(b).

The definition of independent living requires the ILF to make a judgment about the degree of choice and control exercised by existing users and potential candidates over their support.

2.0 Policy

The requirement to live independently applies to all ILF users whether they share accommodation or part of their care or where they do not.

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The ILF will only make payments where the candidate has choice over where they live, who they live with, who provides their support and what happens in their own home. The candidate must have a legal right to live in their own home.

The ILF will need to be provided with a full breakdown of the care package or individual support plan for each ILF candidate and how much each package costs.

All ILF candidates must have a significant element of one to one care as part of their care package. This should be confirmed by the ILFA at the visit.

2.1 Tenancy / Licence

Following a ruling by Judge Turnbull in 2006, if the ILF were to insist that a tenancy agreement where the care provider was specified was altered in order to remove that provision, the ILF might cause the user to lose some of their housing benefit. The ILF will therefore not require removal of a care provider from the tenancy.

If a candidate has a tenancy or licence to occupy a property where the care provider is specified, the ILF will require a statement in writing from the landlord to say that the tenant is not obliged to receive their assistance from the named person or organisation.

Even if the care provider is not mentioned in the tenancy agreement, but the landlord and the care provider are the same person, or the same organisation, or closely linked organisations, the ILF will require a statement in writing from the landlord to say that the tenant is not obliged to receive their assistance from the associated person or organisation.

3.0 Independent living indicators

Circumstances can arise where the candidate is not living in a care establishment but the actual arrangements give rise to concerns that the candidate is not living truly independently. The following are some points and procedural guidance to consider when trying to establish whether a candidate has sufficient choice and control to be considered to be living independently.

3.1 Should The Accommodation Be Registered As A Care Establishment?

This is a decision for the Care Quality Commission (CQC) in England and Wales (or for equivalent bodies in Scotland and Northern Ireland), and the ILF would normally accept their decision.

If at any stage the ILFA feels there would appear to be very strong reasons why an establishment should be registered, the LA representative should be asked whether this has been considered. If there are serious concerns in this area, the case should be referred to the SW Team.

3.2 Evidence of Choice and Control

Users should have the opportunity to have the same choice and control as other citizens whether at home, work or in the community, including:

- choice about who can come in to their home and when
- choice about who to share the home with
- choice about where support is drawn from
- absence of barriers that restrict full participation in society

Where a candidate is moving from residential care to independent living, they should make a discernible advance in exercisable choice and control as a result of the move.

3.3 Shared Care

In practice the situations most difficult for ILFAs and SW managers to assess tend to be where there are two or more people sharing accommodation and sharing elements of their care, **though the principles of independent living apply equally to all ILF users.**

It must be clear what each individual's care needs are, how much care is required to meet these needs, and how much this care costs. If relevant it should show which elements of care could reasonably be shared with another person. It is NOT acceptable just to say that someone needs constant care, with no indication of how many people are providing the care and how many people are sharing that care.

In some circumstances the detail and cost of the package for an ILF candidate may not be clear and it may be necessary to ask for a breakdown of the care provision and costs for other residents (if they are not ILF users they do not need to be identified by name) in order to understand how the care packages interlink.

If the Local Authority can only produce, for example, a total budget for a group of people sharing care, then it would not be acceptable for the ILF to be involved.

Candidates who share an element of care should have the same choice over their care provider as any other user and should not have to tolerate a carer just because it suited the running of the "group". It should be made clear to all concerned that the care funded by the ILF should continue to go to the individual user essentially in line with the agreed care plan, with any changes being notified to the ILF.

4.0 Source

Trustees Meeting 10 October 2007

Trustees 9 June 2010

5.0 History Date Reviewed

April 2009

10 June 2010

15 December 2010