



Independent
Living Fund

directors of
adass
adult social services

Local
Government
Association

November 2014

Updated Transfer Review Programme Code of practice

Purpose of the code of practice

Following the decision by Government to close the ILF on 30 June 2015, the Independent Living Fund (ILF), the Association of Directors of Adult Social Services (ADASS), and the Local Government Association (LGA) have reaffirmed their commitment to working in partnership to support the effective transfer of ILF users to sole local authority support from July 2015 by re-launching their code of practice.

The code aims to maximise the success of the review programme and enhance the customer journey throughout transition by providing key principles to underpin partnership working. The code is intended to act as best practice guidance and does not change local authority's statutory duties. Where the code refers to eligible care needs this means eligible care needs under local authority criteria following the implementation of the Care Act from April 2015.

Updated position

The programme to transfer ILF users to sole local authority support from June 2015 has progressed to the point where all ILF users will have received a person centred, outcome focussed transfer review and support visit by an ILF assessor by end December 2014, with 70% jointly visited with a local authority representative. All users will have been given the opportunity to discuss matters concerning the ILF closure and what this may mean for them.

The remainder of the closure programme will focus on the preparation for a final transfer of support at the end of June 2015. The key elements of this will be:

- *Ensuring that users are kept updated on the transfer process.*
- *The provision of information relating to users from the ILF to local authorities at appropriate times to enable a smooth transition.*
- *That local authorities have in place a support plan for users that ensures their eligible care and support needs continue to be met without interruption.*
- *Signposting support and advocacy arrangements are identified and communicated to ILF users.*

This update provides additional information regarding the code of practice and is intended to be aligned with the Care Act 2014 and associated regulations. All the local authority duties and obligations under the Care Act will apply throughout the transfer process. Specific guidance within the regulations detailing how they relate to the ILF transfer can be found located within the “Transition to the New Legal Framework” chapter of the Care Act Statutory Guidance.

Key principles

1. Commitment to personalisation, inclusion, and choice and control

Throughout the process all parties will seek to demonstrate a commitment to the underlying principles of personalisation. There will be a high level commitment to maintaining choice and control, as well as maintaining users’ independent living outcomes.

All parties will ensure that users and their representatives are fully involved in transitional planning, and will take account of the views and requirements of users and their families/representatives in the preparation and implementation of the transfer of support.

Updated position

The Care Act sets out an underlying principle of wellbeing, that has to be promoted when carrying out care and support functions and starts with the presumption that the individual is best placed to identify their care and support outcomes.

Local authorities should take into consideration the person’s opinions in relation to their wellbeing and should bear in mind the impact of any changes to a user’s support on both the user and their family.

Where an individual wishes to remain living within the community, local authorities should consider how they can best be supported to continue to do so, in a way which allows them to retain as much independence as possible.

2. Working in partnership

It is essential that the ILF and local authorities collaborate and work in partnership throughout the transfer programme to ensure that the necessary plans and structures are in place to fully support users up to and beyond 2015.

All parties will be committed to working towards and meeting relevant deadlines so as to guarantee that the programme is fully completed by 30 June 2015.

Updated position

The Care Act sets out a broad based duty for local authorities and other government bodies to co-operate in providing effective support.

Local authorities and the ILF are working to ensure that there is a smooth transition and that users are kept informed and supported throughout the transfer process. At the time that the ILF closes on 30 June 2015, users and their families should have a clear understanding of how their eligible care needs will continue to be met, in line with the outcomes identified in their support plans.

The ILF and local authorities will need to continue to work in partnership to resolve any issues or complaints that users have regarding the transfer.

3. Open communication

Throughout the programme there needs to be continuous and open communication, providing relevant information that is shared in a timely manner. All parties should ensure that users are kept informed of plans that impact on their future. It is important that users have a clear awareness and understanding of what the transfer will mean for them.

Updated position

The ILF have put in place a comprehensive communications strategy to inform users regarding the closure of the fund and the transfer of support which has been shared with all local authorities to facilitate their own planning. The ILF have met with all users and local authorities in order to provide information relating to transfer and discuss arrangements.

Local authorities should put in place plans to communicate with ILF users ensuring that there is continuity of message and may wish to ensure that these communications are aligned to those used by the ILF.

Information from both the ILF and local authorities should be in clear, straightforward language wherever possible and should be in a format which is accessible to the individual.

4. Designated support

In order to facilitate the management of the programme, the ILF and local authorities will have in place a named point of contact to manage relations between the ILF and each local authority, for both operational and corporate liaison. There should be a clear delineation of responsibility and accountability in running the programme both within the ILF and with local authorities.

Updated position

The ILF has set up and will maintain a dedicated Local authority engagement team to coordinate communications with local authorities, whilst local authorities have all provided the ILF with a named individual to act as a point of contact for the ILF.

As the programme draws to a close maintaining these links will be essential to ensure that the transfer progresses smoothly.

Where a group 1 user has not provided consent the ILF will discuss with the user what their future plans are and aim to ensure that there are no safeguarding concerns. Where there are concerns the ILF will evaluate the risk in line with policy.

5. Commitment to joint reviews

To aid the transfer process the ILF and local authorities will collaborate and participate in the joint transfer review programme, using a person centred assessment with ILF users to identify how their independent living outcomes can continue to be met.

In addition the programme will need to identify and inform users of what they will need to do prior to July 2015 to ensure that their eligible support continues to be met.

To aid this process, the ILF will seek consent from all group 1 users to pass on information to their local authority. This will facilitate the collaboration between the ILF and local authorities and enable full participation in the programme by local authorities.

Updated position

ILF assessors have discussed with users the closure of the fund and the transfer of support. The ILF has advised all users to contact their local authority prior to the transfer.

Where the local authority has not been able to attend a transfer review they may wish to prioritise contacting and assessing these individuals at an early stage.

Where there are changes in provision by either the ILF or local authorities following the transfer and support review the ILF and local authorities should ensure that this information is shared.

Where a significant change in circumstance requires a further review towards the end of the programme local authorities should be aware that the ILF will only be able to carry out a visit in limited circumstances.

As a matter of good practice, local authorities should take the person's Transfer Review and Support Plan into consideration during their assessment.

6. Advice and advocacy

Local authorities should where possible ensure that there is sufficient provision of, and clear signposting towards, independent advocacy and support. The ILF and local authorities will work together to share information on support available for users in order to effectively signpost people to this.

Updated position

Local authorities will be aware that many ILF users lack capacity and/or have in place an award manager to assist in managing their support needs. However this individual may not always be willing or be the appropriate person to independently support the user in future.

Where an individual has substantial difficulty in being involved in their assessment and support planning and where there is no one appropriate to represent them local authorities will need to provide independent advocacy.

Local authorities may wish to utilise the ILF support plan to identify where independent advocacy may be required and will wish to ensure that all ILF users and their carers are aware of what services and support is available to them in their area.

The ILF will work with local authorities to provide assistance in signposting services and support.

7. Personal budgets

The transfer to local authorities will be an opportunity to promote the take up of direct payments. ILF users currently receive cash payments directly from the fund to pay for their support and the expectation is that they will continue to be able to exercise choice and control over how their care is provided. Users should be informed of what options and support are available locally.

Updated position

Local authorities will need to inform users of how their eligible support needs will continue to be met prior to the closure of the fund and where relevant, the value of their personal budget.

The ILF will update all local authorities with financial information in order to facilitate the planning in relation to the transfer.

Consideration will need to be given to how funders wish their individual budget to be managed, the ILF support plan indicates how users may wish to receive their individual budget in future as well as who will manage the funding.

Where an individual has not previously been in receipt of direct payments from the local authority but wishes to continue to receive all or part of their provision in this way in future they will need to understand the requirements that the local authority have in relation to the management of monies.

8. Provision from July 2015

Transitional arrangements need to be in place from 1 July 2015 to enable users to plan for and manage any change in their support. The arrangement of a period of phased transition being provided that supports the protection of independent living outcomes is one of the issues for consideration during this transition period.

We believe that it is essential that before the end of the transfer programme all ILF users and their representatives have a clear understanding of how their eligible support needs will be met immediately following the transfer.

Any change to support arrangements made by the local authority should take into account the impact upon care providers making certain that the user is able to meet legal and contractual obligations where provision is reduced or replaced. In particular this includes redundancy payments and notice periods.

Updated position

Local authorities will receive funding to meet their responsibilities to former ILF users at the point of transfer and this should enable them to meet any financial obligations that users incur as a result of the transfer.

Local authorities will need to ensure that the eligible support needs of individuals continue to be met after the fund has closed.

Further to the review visit all ILF users have been provided with a personalised ILF support plan that details the current care arrangements, financial provision in place and the outcomes that the user has identified as being important to them. Where permission has been granted this is forwarded to local authorities.

Whilst this support plan may include elements that are not considered eligible support needs the local authority may wish to use it to inform their own assessment and support plan. In particular they should consider how the outcomes that have been identified in the support can continue to be met. If no local authority assessment has been completed by the closure of the ILF on 30 June 2015 local authorities could continue to support the individual with the same level of funding previously in place.

Where changes in the level or type of provision are proposed, local authorities should ensure that these changes are discussed with the users and that sufficient notice and support is provided.

9. Data sharing

Any transfer of information needs to ensure that no person who has expressed a wish to receive support after July 2015 is unaccounted for. The ILF will need to monitor the transfer of information to the relevant authorities. When information is transferred to local authorities there will need to be in place a mechanism to acknowledge the receipt of this information. All parties will

ensure that appropriate measures are in place to transfer and protect sensitive information in compliance with data protection legislation.

Updated position

The ILF is committed to provide the relevant information required by local authorities to facilitate a transfer and has worked with local authorities on what is required.

The ILF has also contacted all group 1 users to request permission to share this information, however if this permission is not granted then no information will be transferred.

Local authorities will need to ensure that they continue to have in place appropriate individuals to manage any transfer of information.

10. Monitoring and evaluation

The ILF and local authorities will work in conjunction to ensure that there is a system in place to evaluate the effectiveness and progress of the programme. Any evaluation will include the opinions of users and their representatives.

Each party will have in place a clear process for managing complaints about decisions taken as a result of reviews. In addition the ILF and local authorities should work in conjunction to resolve any concerns raised and provide a rapid resolution of any issues that arise.

Updated position

The ILF and local authorities need to ensure that all users are transferred successfully and should put in place systems to monitor progress towards this and to ensure that no individual users lack the support that they need following closure of the ILF.

For instance local authorities may wish to check that all ILF users have received a local authority review some time prior to transfer.