

## CONSULTATION QUESTIONS

### Question 1

What aspects of the current ILF worked well and what elements did not work so well?

The ILF succeeded in delivering many of the outcomes it set out to achieve and has enabled disabled adults throughout the UK to lead full and independent lives in the community with minimal intervention from statutory services. The ILF did however give rise to a number of 'alignment' issues with Local Authority duties to assess and support individuals in need. These alignment issues include:

- (a) A different set of entitlement decisions between ILF awards and local authority eligibility decisions. Individuals had access to two different routes when seeking funding or support (the Local Authority route and the ILF route)
- (b) The ILF employs a complex set of rules for both users and professionals which can act as a barrier for changing care arrangements in response to changing needs. For example, 3 different local authority threshold sums currently apply depending when the applicant received their ILF award. We would hope the closure of the fund would allow us to move away from the present complex interaction between individual's ILF award and Local Authority interventions that give rise to labour intensive accounting and administration obligations on individuals and organisations.
- (c) Some pre-1993 ILF users have not been assessed by Local Authorities under the Social Work Scotland (1968) Act and may therefore be deemed ineligible for direct support post-April 2015 under Local Authority eligibility frameworks. This gives rise to inequality in communities.
- (d) Inequity of client contribution formula between ILF and Local Authority policies. For example, where 4 disabled people share a house of multiple occupation 2 ILF users will be paying a different contribution to 2 adults sharing the same property and supported through the Local Authority. We are not clear from the consultation if the current ILF charging policy will be maintained beyond the fund's closure (maximum charge £90)
- (e) Distinct differences in the policy between the ILF and Local Government in terms of recruiting family members to deliver support. This could create difficulties with individual support arrangements post-April 2015 if we are to work towards a more streamlined and cost effective system of support.
- (f) ILF payments were often treated as being made 'in perpetuity' and not subjected to the same robust review processes commonly used by Local Authorities to promote independence and uphold the principles of an *assets based approach* and *outcomes* focus to social care delivery.
- (g) There can be no doubt that the ILF model ultimately gave rise to inequitable levels of support within communities with discriminating factors being age thresholds, the closure of the scheme for new applicants, the historical take up of ILF in different areas over time

- and changing ILF eligibility criteria.
- (h) There are reports of a discrepancy between hourly rates that Local Authorities and the ILF pay for personal assistants. Furthermore we are aware that some of Glasgow's ILF users have purchasing arrangements with some registered care providers and the Council is also purchasing support from the same Providers at a different hourly rate – for the same service user. These financial variances might need consolidating at some point in the future.
  - (i) The ILF make payments to client's Benefits Appointees whereas GCC will only make direct payments to individuals who have both Welfare and financial guardianship powers.

Whilst each individual alignment issue in isolation might appear insignificant they can collectively give rise to a general atmosphere of unnecessary complexity when seeking to support individuals lead full and independent lives.

## Question 2

Should the money that becomes available after existing ILF recipients no longer need it be used in the same way for others in the future? If so, why? If not, how else might the money be used?

This is a complex question and requires more detail from Scottish Government in terms of **it's intentions** with regard to "protection" of existing awards post-April 2015. Our answer in part depends on the interpretation of the phrase "*should the money be used for others in the same way?*" What is undeniable is that demand upon adult social care services is growing at an increasing rate across the UK and particularly in areas of dense population and high levels of deprivation like Glasgow City. ILF resources that become available through 'attrition' post-April 2015 should be recycled back into each local adult social care budget for fair and equitable redistribution to meet the considerable **challenges of the future**. We would not subscribe to a plan that routed money no longer needed by ILF recipients into future "ILF-type" awards, thereby perpetuating the inequities described in answer 1 and on page 9 of the consultation document. The concept of "new awards" (page 9) doesn't fit easily with Glasgow's aspiration to use the resources in an equitable and transparent way consistent with it's Personalisation strategy and statutory duties under the 1968 Act. The only reliable and transparent means of addressing the divisive variations and inconsistencies that disabled adults have experienced when seeking support is to streamline the current scenario into a singular model of assessment under a single local authority social care eligibility framework. Glasgow City Council would argue that to take forward the Scottish Government's ten year strategy on self directed support and meet the demographic challenges of our times it is unsustainable to maintain ILF monies as a quasi-separate source of funding with broadly

similar aims as Social Work Self Directed Support Strategies but with separate administrative and bureaucratic obligations. GCC is unclear what is meant by the proposal to “use the money for others in the same way” and has questions about the criteria that would apply in such a scenario. There are also questions about the impact of Welfare reform on any future iteration of ILF (changes from DLA to PIP awards).

### Question 3

If the available resource is simply that which is transferred from the Treasury, how would you like to see it used if it was not to be a continuation of the existing approach?

Complexity adds cost to any welfare/care and support distribution system therefore we propose that the only fair, efficient, sustainable and affordable means of using the ILF resource is for it to be integrated into each Local Authorities adult social care budget and allocated to those in need within the same pre-existing assessment and eligibility framework. Any other proposal perpetuates an unnecessarily complex, expensive and inequitable system of resource allocation. One of the key priorities of this consultation is to determine “views on balancing the support requirements for existing users of ILF and those who are not in receipt of an award”. This dilemma is at the heart of Glasgow City Council’s response. Perpetuating ILF awards into the future has a negative impact on those not already in receipt of an award. We acknowledge there are very real challenges to disaggregating current ILF awards but cannot conceive of how an equitable distribution of finite resources can be delivered whilst maintaining two parallel systems of ILF funding and Social work resource allocation processes. The transition from the current model would need to be managed over a reasonable period of time and current ILF users should experience no change to existing award arrangements without appropriate statutory social work review / assessment.

We share the (ADSW response) concerns about the fear and anxiety some current ILF users will experience at the potential loss of some of their ILF award in the future. These concerns are real and will need a sensitive and skilled intervention and communication strategy. The role of Local Authorities in determining the support available to ILF users beyond April 2015 needs rigorous thought and appropriate notice needs to be given to users of the outcome of this consultation. But we should be clear that in a historical system where some individuals are in receipt of a relatively high level of support there will be consequences for those elsewhere in the system who for no fault of their own are compelled to manage on a much smaller level of support. This will be the legacy of the ILF if we do not distribute ILF funding from the Treasury to Scottish Local Authorities for them to administer through a single assessment and review process. For many reasons, not least the pattern of deprivation and the disproportionate impact of Welfare reform on the City of Glasgow we would argue for the current level of ILF funding per authority to be distributed on a like-for-like basis. Any settlement that sought to dilute Glasgow City Council’s current

share of the ILF budget would have a damaging impact on the Council's ability to ameliorate the consequences of the ILF fund closure for vulnerable adults.

It is still not clear to us from the consultation if the same level of ILF funding will be available year on year to Scottish recipients or if the pot will be consistently reduced on an annual basis because of attrition. The Scottish Government need to articulate to all stakeholders that the money being transferred in 2015 will not be inflation linked and that Scottish local authorities cannot be expected to pick up the shortfall in the ILF legacy.

#### **Question 4**

What innovative ways might there be for increasing the overall amount of money in the pot?

Reduce administration costs by fully integrating ILF resource into Local authority social care budgets to allow Local Authorities across Scotland to take forward the 10 year SDS national strategy in challenging financial circumstances faced with a marked increase in adults requiring support. The issue of protection of existing awards needs further development by Scottish Government and we share the ADSW view that there are contradictions within the current consultation document on this subject. The level of discretion to be exercised by local authorities in terms of protecting ILF awards beyond April 2015 or making judgements about changing people's support is not immediately obvious to us in the Consultation paper. One difficult scenario we can envisage is local authority social work staff, in the absence of ILF assessors, being responsible for monitoring people's continuing eligibility for a historical ILF award.

#### **Question 5**

With any available resource, where is the most effective area to target resources which can have the biggest impact on an individual's ability to live more independently?

Social Work duties to assess individual's needs are undertaken in a holistic and person centred way and we should have confidence in the judgement of social work professionals as to how resources are best allocated on an individual case basis to have maximum and long term positive effect with the least prescription. All the examples on page 11 of the consultation of positive interventions that could be funded through a future ILF iteration are simply examples of interventions that can also be supported through Social service assessment and support planning processes. The money should not be targeted at any one specific area (at the expense of other legitimate areas of need) and such a plan would only serve to create an additional set of award criteria and complexity that would hamper a genuine co-productive approach to the meeting of individual's independent living needs.

A successful use of ILF resources post-April 2015 will have as least

restrictive measures and maximum flexibility in order to address the bespoke and varied characteristics of each neighbourhood and each household.

## Question 6

Once funding has been devolved to the Scottish Government, which option do you think will be most appropriate for Scotland?

Glasgow City Council's clear preference is "Option 1" – the only option that would ensure a fair and consistent distribution of finite resources across a given geographical area by a single administrative body using a single, cohesive, transparent assessment and eligibility framework. Under Option 1 administrative costs would be less than any of the other 3 options (as a result of economies of scale arising from an integrated singular approach). Furthermore, 92% of ILF users in Scotland are already receiving local authority care services and therefore it is self evident that all their needs should be aggregated within the perspective of a self-directed-support assessment framework. Glasgow City Council believes that it's unique demographic and economic profile amongst Scottish Local Authorities would require a share of the Scottish ILF fund equivalent to it's current proportion of Scottish ILF funding. Glasgow made a concerted and proactive effort to maximise ILF payments for those entitled to it because of long stay hospital closures and the shift to supported independent living. Glasgow has the highest proportion of ILF payments than any other area of the UK and it is therefore a major concern that any re-distribution formula other than *like-for-like* would have a significant and detrimental impact on service users, carers, the local economy and the Council.

GCC would welcome further detail on the consultation's reference to ... *"the first approach would be to devolve the finance to Local Authorities who can then decide the extent of protection for existing users, with direction from the Scottish Government."* Page 12

Local Authorities already have the financial and assessment structures in place to absorb and coordinate ILF resources - although it is regrettable that none of the current administrative and management costs of the ILF will be transferring to Scotland when the fund closes.

We would agree with the (ADSW) view that Option 1 alone presents opportunities to rationalise eligibility criteria, charging regimes and assessment rules for new cases (if current ILF users are protected).

For GCC options 2,3 and 4 raise a number of complex questions that lead us to question the value-for money characteristic of these options. Issues such as who would be responsible for the ongoing assessments for eligibility, what is the interface between future ILF type awards and social work support models and what would be the training needs of any new organisations set up to administer a new Scottish ILF type fund? Any "national system" (options 2-4) would be left with the over-riding challenge of having to demonstrate fairness whilst guaranteeing protection for existing ILF users and simultaneously managing significant demand for new awards

from individuals who arguably would have greater need than those already in receipt of awards. The suggested benefit of promoting “more equitable national distribution” depends on the interpretation of the concept of “equitable distribution” – GCC would propose that equity should continue to have a strong correlation to the Scottish Index of Multiple Deprivation.

The sustainability issues experienced by ILF described on page 9 of the consultation are very familiar to local authorities who are having to confront their own eligibility frameworks for support in the face of unprecedented demand for services and reducing budgets. It is essential that whatever model of the ILF emerges from the consultation that we do not exacerbate the present inequalities sometimes experienced by disabled adults in Scotland when seeking to meet their own independent living goals.

### **Question 7**

To assist with our partial Equality Impact Assessment in relation to the future development of a sustainable Fund to support disabled people in Scotland to live independently, please describe any equality issues (in relation to age, disability, sex, sexual orientation, gender re-assignment, race, religion or belief, pregnancy and maternity and marriage and civil partnership) that you feel may arise and suggest ways in which these could be addressed.

The obvious solution to securing genuine equality is to fully integrate ILF resources into existing local authority adult social care budgets, remove any ring-fence and allow local authority social care professionals to award resources based purely on statutory assessments of need, applied equally across it's local population and subject to the usual checks and safeguards available to citizens who seek to have their needs assessed under Scottish law. As the fund was originally intended for adults of working age then there remains an inherent discriminating factor based on age of applicant. We would ask under this question 7 who would be responsible for redundancy payments for ILF users who employ personal assistants or who are subject to challenges for unfair dismissal?