

## RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION ON THE FUTURE USE OF RESOURCES DEVOLVED FOLLOWING THE UK GOVERNMENT'S DECISION TO CLOSE THE INDEPENDENT LIVING FUND

### General Comments

COSLA is strongly of the view that local authorities are best placed to acquire responsibility for the administration of ILF funding, in line with councils' broader duties to support people with disabilities. It is our view that each of the other three options set out in the consultation will involve greater levels of bureaucracy – and would require greater levels of coordination between organisations.

The local authority option will minimise administration costs since councils already have much of the infrastructure in place, including staff members who are skilled and experienced in assessment and care management, financial assessment, income maximisation and administration. Councils also have experience in awarding direct payments to individual people to help meet their needs for care and independent living.

The evidence indicates that 93% of people receiving ILF awards in Scotland receive local authority care services, and as such this resource would be helpfully aligned with prospective duties on Self Directed Support, which will come into force from 01 April 2014.

At the same time, we recognise that ILF users and their families have concerns about the future of their awards when the Independent Living Fund closes in March 2015. We agree with the Scottish Government that current recipients of ILF funding should not have this taken away unless their personal circumstances change or they become ineligible through the established two-yearly review cycle.

In order to meet the commitment that existing awards are protected, an initial distribution to local authorities will need to be based on historical patterns of consumption. Consideration will also need to be given to how resources released through attrition can be used to provide access to support for independent living into the future. Although the fund is currently closed to new applicants, natural attrition will gradually begin to free-up previously committed resources, meaning there is a question about how this funding should be used. COSLA believes that this matter would need to be considered by the Settlement and Distribution Group before any final decision is made.

Finally, COSLA recognises the important role the Independent Living Fund (ILF) has played in providing support to disabled people who have the highest level of social care need. Independent Living is an agreed priority for COSLA and Scottish Ministers, as expressed through *The Vision for Independent Living in Scotland*.<sup>1</sup>

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<sup>1</sup> <http://tinyurl.com/p7s9row>

## Consultation Questions

### **Question 1**

#### ***What aspects of the current ILF worked well . . .***

The flexibility in how ILF awards can be used to achieve independent living outcomes might be considered a pioneering forerunner of the approaches adopted by Direct Payments, Personalisation and Self-directed support. The ILF provides clear demonstration that given direct control of funding for their own care and support, disabled people, including those with very high support needs, can significantly increase their quality of life. The ILF eligibility criteria enabled individuals to access support which added to that offered by local authority social work departments; since ILF closed to new applicants in June 2010 councils have had to fund support for Independent Living themselves for people who would have qualified for ILF in the past.

#### ***. . . and what elements did not work so well?***

The administration of the ILF has generated significant geographical inequalities. Differing levels of awareness about the fund and the consequential disproportionate success of some local authorities in securing awards has compounded inequalities within Scotland and the UK; the complex application system has also contributed to these inequalities.

The process through which ILF funding is secured runs counter to a user-centred approach and, because user needs change over time, this impacts on the ability of local authorities to meet the care needs of all disabled people in a consistent way.

### **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?***

COSLA's Health and Well-being Executive Group came to a view that these resources should be recycled and targeted at assisting other service users to live independently.

The challenge will be to identify support options which will have positive independent living outcomes and which can be properly met and fairly accessed using the resources available. A pooling of these resources with adult social care resources and an alignment with self-directed support outcomes would provide a more straight-forward user experience and would ensure a rationalised approach to allocating and mobilising resources to meet support needs.

Notwithstanding the commitment to existing users the closure of the ILF presents an opportunity to review the approaches to achieving independent living outcomes and while the consolidation of these resources with local authority social care budgets will result in administrative efficiencies the resources will be insufficient to meet future need.

### **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?***

If current recipients of ILF funding were not be protected (as the question implies), the logical way forward would be to align the resources with mainstream social work funding. This would enable current users of the fund, and others who are eligible, to exercise choice and control over how their care is provided. Combining the funding streams would facilitate holistic approaches to assessing individual needs. This proportion of the overall resource could be directed specifically toward meeting people's independent living outcomes.

However, we agree with the Scottish Government's position that current recipients of ILF funding should not have this taken away unless their personal circumstances change or they become ineligible through the established two-yearly review cycle.

#### **Question 4**

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

If ILF resources were used to augment personal budgets, it would optimally support independent living and self-determination. As the Self-Directed Support legislation is implemented, principles such as shared supports, collective approaches, individual and community assets, co-production, and working in partnership with other organisations will mature into standard practice. This will lead to the development of support packages which, whilst meeting the care and support needs of disabled people, will demonstrate better value and as a result effectively increase the share of money available to support independent living outcomes.

#### **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?***

The move toward personalisation means that it is difficult to form a general view about how resources should best be targeted in order to meet an individual's independent living outcomes. This is because support packages are determined by working with individuals in a personalised way by identifying personal outcomes, so an area of priority for one person will be different from the next.

#### **Question 6**

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

COSLA is strongly of the view that councils are best placed to acquire responsibility for the administration of ILF funding, in line with their broader duties to support people with disabilities. It is our view that each of the other three options set out in the consultation will involve greater levels of bureaucracy – and would require greater levels of coordination between organisations.

The local authority option will minimise administration costs since councils already have much of the infrastructure in place, including staff members who are skilled and experienced in assessment and care management, financial assessment, income maximisation and administration. Councils also have experience in awarding direct payments to individual people to help meet their needs for care and independent living. At the same time, we think that it will be important to pass on administration funding to councils.

COSLA would suggest a need for clear national operating criteria for administering ILF monies (similar to those accompanying the Scottish Welfare Fund) in order that local authorities can be confident that they can meet the demands placed on these monies consistently across Scottish councils.

#### **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 ILF has discriminated against disabled people aged 65 years and over; yet they have similar needs for independent living to the needs of younger disabled adults. Having said that, extending ILF support to older people would require resources of a different order of magnitude and we understand this is not under consideration.

Other inequalities have been introduced during the life-time of the ILF as it has been adapted to manage demand but its closure presents an opportunity to re-calibrate the purpose and target for the support it provides. There are a number of issues which might usefully be considered in working toward a solution:

- Development of an eligibility criteria framework which apply consistently to everyone;
- Mitigation of the impact on those who no longer have an entitlement to ILF through routine review;
- The principles of coproduction involving disabled people and third sector partner organisations, users, families, carers and representatives must be used;
- Need to assess and mitigate the potential impact of change on carers;
- There needs to be a commitment to personalisation, inclusion, choice and control;
- Users and their representatives must be fully involved in transitional planning;

COSLA  
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