

CONSULTATION QUESTIONS

Question 1

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

A number of elements of the previous scheme are particularly valued by the people we support. These include that:

- control does not lie with councils or government regarding how money is spent to promote independence – it supports innovation, and flexibility, yet recipients or their representatives are still accountable for how the money is spent.
- The scheme has been run with very low administrative costs, with the result that more of the fund actually contributes towards supporting the recipient.
- The contribution of ILF towards a person's budget helps in discussions and negotiations with Councils about support arrangements.
- Portability of the ILF budget across local authority boundaries is a great benefit – money isn't wasted carrying out re-assessments because eligibility is consistent wherever the person lives. This is much more in line with supporting independence. Needs don't change simply because a person has moved to a new council area.

Aspects which haven't worked so well:

In our consultation with people we support no one could think of anything negative to say about ILF, other than that the restrictions in recent years - leading up to the announcement confirming closure - meant that there was less money available. The tightening of criteria during this period excluded some people who could have benefited from its flexible approach.

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?

There is an opportunity presented by the transfer of the fund to develop it in a much more innovative way, to support greater flexibility of support. Sense Scotland believes that it should be available to support any positive choice that a disabled person makes to live life as they wish it, and that the definition of independence should not be defined by the type of service a person receives. As long as the person or their representative can evidence it is supporting choice, then the person should be eligible.

Sense Scotland does not believe that a future fund should insist that the

current minimum or maximum spends by Social Work Departments remain, as the people we have consulted on this issue have expressed the view that the minimum contribution by the SWD is not necessarily spent on options people would choose for themselves, even if those options would be cheaper.

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?

Please see Question 4. Sense Scotland believes that leaving the level of funds at the transfer level will miss an important opportunity to contribute to an improved quality of life for disabled people.

In relation to decisions about the use of ILF, if minimal change does take place to the level of the fund, then any decision about the contribution ILF makes towards a person's support should only be made once the level of budget required to support independence has been agreed with the Social Work Department. The availability or otherwise of ILF funds should not result in a different level of need being identified, as has recently been experienced by a number of young people in transition who are known to Sense Scotland.

Question 4

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

ILF as it was distributed prior to the 'run down' of the fund sits extremely well with the Self-Directed Support Strategy intentions, where the control sits with the person receiving the benefit. Therefore an innovative approach to boosting the fund could be to transfer a proportion of Social Work (or other Council-related) funding to the new ILF fund, so that it can purchase more effectively and flexibly - and at lower cost - than it does when managed by Councils. This fits well with thinking around Social Return on Investment. ILF is seen by recipients as flexible, light-touch, enabling and flexible - all qualities that SDS should embrace. A proportion of funding would need to remain with Councils, for people who need / prefer that the Council arranges their support. A benefit of this would be that it would be possible to compare how ILF improves outcomes, in relation to how SWD spend improves outcomes.

Sense Scotland shares with others the belief that now is the time to create a Commission into the valuing and funding of social care so that the public understands what is required to promote equality, and what equality means. This would encourage people to understand why an increase in outgoings from the fund is desirable, and therefore an increase in income is required. This income may need to be linked to taxation, rather than a reliance on current insufficient funds.

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?

Expenditure should be needs and choice-led. For example one person may want to spend the money on technology to keep them safe in a familiar environment, whilst another person may want to use it for a personal assistant to assist them to become connected to their local community.

We do not think it is helpful to define what the money should be spent on, but believe the focus should be on whether it will assist with promoting independence (to the extent that suits the individual). Even entry to residential care should not necessarily be seen as a bar, if it is a positive and freely-made choice, and the service truly promotes independence.

Question 6

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

Sense Scotland believes option 4 would be the preferred option, and that it should mirror the efficiencies and style of operation of the current ILF trust.

The options relating to the Government or a new non-departmental public body are likely to result in higher costs than option 4 would present.

We are concerned that the disadvantage of a potentially high administration cost was not noted in relation to the option of transferring the fund to Local Authorities, as we see this is one of the key arguments against the Local Authority option. People we consulted with were also concerned regarding the Local Authority option for the following reasons:

- Some parents have been told by senior officers in their local authorities that the ILF fund will transfer to Councils. This assumption by some LAs that they will get the new ILF fund indicates a lack of preparedness to think innovatively – it seems they simply wish to add it to existing budgets. This is a problem where Local Authorities are not delivering the range of support that people want via their commissioning strategies and implementation of decisions at an individual level. Whilst Sense Scotland does not underestimate the difficulties for Councils trying to balance their budgets, there is a concern that Councils will use new funds to balance out what is already a bad situation relating to the inadequate funding of social care. More flexibility of support is required, not less, and ILF has proved itself capable of achieving this, although improvements as noted under the two previous questions would make it more responsive to a wider group.

- There could be a knock-on effect for other SW services - if councils take control of ILF, then their much higher administration costs will have to be met from somewhere, and that is likely to result in a reduction of existing services.
- Councils argue that transferring ILF to them will improve equity between people. ILF until recently was available to all eligible applicants - so it was 'equitable' and Councils made great use of it to reduce their expenditure requirements, with some Councils having dedicated ILF officers. Some of this was clearly aimed at enabling Councils to increase charges to service users. Councils are already responsible for managing their existing funds, and so lack of equity in relation to them is the responsibility of the 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.

Sense Scotland is only able to comment on the aspects relating to disabled people. We believe that ILF has made a valuable contribution towards promoting equality – if only in a small way – and that any new fund could drive a radical re-think regarding the funding of social care. Equality impact statements should be about ensuring equality between marginalised groups and non-marginalised groups – not simply about compounding inequalities through focussing on equity of resource between members of any given marginalised group.