

CONSULTATION QUESTIONS

Question 1

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

Falkirk Council acknowledges the role that ILF has played in supporting independent living options for people with complex support needs. It also recognises that local authorities are unable to plug the financial gap left by the closure of the ILF.

It takes issue with the suggestion in the attached EQIA that local authority assistance consists of 'life and limb' support and believes this view is severely misguided. Falkirk Council aims to support citizens to be independent and socially active and strives to offer a number of flexible supports to enable this approach.

ILF has worked well for people who want to access additional support to add quality to their lives. It has been a welcome 'top up' to local authority support over a number of years as well as supporting people, through the Group 1 Fund, who are not necessarily known to the local authority. It has offered a flexible approach to support, particularly additional social support, which local authorities are not always able to provide to the extent that individuals would wish. There are some limitations to the flexibility offered by ILF and this has become more apparent as we move towards Self Directed Support implementation and take an outcomes focused approach to support planning. There are still some difficulties in achieving agreement from ILF for support which meets agreed outcomes because it doesn't fit exactly with the QSS (Qualifying Support and Services) criteria.

The restrictions of access to ILF meant that a number of people who could have benefited from funding were unable to apply e.g. those people on middle rate DLA Care Component who could have benefited from additional support which may have acted as a preventative measure to maintain their level of independence.

Rates paid by ILF for the employment of personal assistants are often different to rates paid by the local authority for the same individuals.

ILF also discriminated on the basis of age i.e. people over 65 years of age were not eligible for funding. This meant a large group of people with a similar level of support needs were excluded from receiving funding on the basis of age.

The changes to eligibility for funding which occurred between 2008 and 2010 created confusion for service users and for local authority workers who wished to access the fund i.e. changes to threshold sums and the narrowing of eligibility criteria to include only those in employment for 16 hours per week. This meant that those seeking ILF funding to move into employment were unable to access the fund.

The rules around service user contributions were a disincentive to many people to apply for funding because the contribution expected by ILF was much higher than that of Falkirk Council in most cases.

The rules around the disregarding of earned income but not occupational pensions meant that individuals found that, on retirement, their income reduced but the ILF contribution increased, which created financial difficulties.

The closure of the Funds in 2010 has meant that there is now a group of people who continue to access the additional funding provided by ILF while people with the same level of support need, who meet the eligibility criteria, are not able to apply – this creates inequity in the system for this group.

It is still unclear what the impact of current Welfare Reform will have on the eligibility of current users when they are reassessed. These impacts will have to be very carefully understood and managed for each individual.

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?

It isn't clear yet whether ILF will reduce the amount transferred year on year (as a result of attrition and fund user under spend) or whether the full sum will continue to be transferred. This means there is uncertainty about whether the funds released in this way will be transferred to the new arrangement. If the funds are transferred the amount of funding released will be small (perhaps around £5m in the first year). It is difficult to see how such a small amount can make a significant difference if it is distributed across Scotland.

It could be used to continue funding support on the current basis, but it may be better to use it to support individuals in a proactive and preventative way as indicated in Q 5.

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?

Assuming the 'available resource' is the surplus released through attrition and under spend, and not the whole amount since there is a commitment in the Consultation to protect existing users, the response to this is as indicated in Q 5.

If this question applies to the whole of the funds transferred, Falkirk Council would not be in favour of removing funding from existing support packages, (the issues this would create for each individual would need to be very carefully and sensitively examined and addressed). The current support

provision funded by ILF is essential to individuals receiving it to maintain their quality of life. Many of them employ staff and if the funding is withdrawn they would face issues of redundancy etc as well as significant issues around the reduction of their support e.g. no longer able to access work. This would be an unfair and complex process for these individuals as local authorities may not be able to meet the shortfall.

Question 4

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

It isn't clear what this question is trying to ask. In some circumstances it might be possible to encourage people to become more involved in community networks and supports which might reduce the need for paid support. It might also be possible to get some people with common interests to pool their resources and share support. It's not clear if this could be achieved as part of a national initiative which would then release funding for redistribution to others.

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?

- Support for adults cared for by older carers to assist them to become more independent as their carers become less able to provide the same level of support.
- Support for people at stages of transition in their lives e.g. moving from children's to adult services or moving from adult services to older people's services
- Capacity building to enable people to become more connected to their local communities and therefore less dependent on paid support for social activities e.g. circles of support/community connectors
- Short term support which is targeted at prevention or to assist people into employment, voluntary work etc

Question 6

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

Since the options considered in the Consultation lack detail making it difficult to assess what the benefits might be or who might be willing to develop a new structure, Falkirk Council would favour Option 1.

Local authorities already have structures in place to manage Direct Payments and are preparing to implement Self Directed Support. They have the infrastructure to facilitate the assessment and support planning process with service users as well as the administration of payments, monitoring and

review. Since the ILF funding sits alongside local authority funding in the current system, transferring the funds to local authorities would streamline the process and mean that service users would not have to deal with 2 bureaucratic processes to manage their support.

The Consultation document seems to suggest that funding may be reduced if it is transferred to local authorities and yet there is a commitment that current users will have their funding protected, provided they continue to meet current eligibility criteria. This is contradictory. Falkirk Council would support the protection for existing users on the basis that they continue to meet eligibility criteria. It is the case with all four options that, based on review of support needs, the local authority contribution to the support can be adjusted (up or down) provided it does not fall below the threshold sum. The Consultation paper seems to suggest that a reduction in funding is more likely under option 1.

Setting up a separate system would mean setting up a new structure either within current organisations which would have limited or no experience of assessment and managing payments to individuals for care and support (options 2 and 3) or with a national organisation, most likely in the voluntary sector (option 4). All of these would require a significant level of additional funding.

While the local authority may need some additional funding, to administer a fund which has different eligibility criteria and financial management implications from current LA funding, much of the experience and infrastructure is in place.

In addition it is difficult to see how a new structure can manage some of the more complex issues without significant input and guidance from the local authority e.g. the current system enables ILF to make payments to benefits appointees so that they can manage the funds on behalf of the user. This will not be possible under any other system. Local authorities are currently working with ILF in Scotland to identify where third party payments are in place and to determine whether this is due to the fact that the ILF user lacks capacity. This may mean that an assessment of capacity is required and, where appropriate, there may be a need to make formal application for Guardianship.

In any new structure there will need to be arrangements made to carry out reviews of individual support needs and whether current users continue to meet current eligibility criteria. These need to be carried out in conjunction with the local authority and would require experienced assessors working on behalf of the new organisational structure. This would require significant resources.

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 current eligibility criterion discriminates against certain individuals e.g. not available to people over 65 years, people who were former residents in long stay hospitals, people with very high support needs (and very high levels of funding from the local authority), some disabled people whose partners income was taken into account making them ineligible etc.

There is insufficient data for other groups e.g. race, to determine if there are any issues.