

CONSULTATION RESPONSE

Aberdeenshire Council welcomes the opportunity to submit views and comments to the ILF Consultation. Before we provide a response to the questions, we wish to note our support to the concerns and position outlined by ADSW in their response to you.

We consider that it would be helpful if Scottish Government could provide confirmation that the commitment made with regards to “**protection for existing ILF users**” applies across all options proposed.

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CONSULTATION QUESTIONS

Question 1

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

The Independent Living Fund (ILF) plays an important role in supporting people to lead independent lives and is highly valued by people able to access ILF. Aberdeenshire Council recognises that people with very high support needs could significantly increase their quality of life and have choice and control over their care and support through ILF.

However, we also consider the following elements did not work so well:

Accessibility – We note that although Aberdeenshire have 1,260 people on higher rate of DLA, only 8% of those have ILF. We note that this may be due to lack of accessibility of ILF.

Inequity of provision – We note that the interim equalities impact assessment and Scottish Government consultation recognises the inequity of access and provision of ILF for those aged over 65, closure of scheme to new applicants, changes in eligibility criteria over time and geographical variation.

Duplication – We note that the current administration of ILF causes significant bureaucracy in terms of financial administration and assessment and support planning. It is noted that the review of ILF offers an opportunity to streamline systems and process so that people are enabled to focus on living independently and achieving personal goals.

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?

We noted above our concerns about accessibility and inequity in ILF current format and consider that this may continue should the money be offered to be used in the same way with the same eligibility criteria

We consider that the review provides an opportunity to streamline ILF systems and increase accessibility to other care groups, thus enabling more people to live independently.

Question3

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?

We consider the funding should be accessible across all care groups and used to enable people to live as independently as possible in their local communities and in doing so achieve their personal goals.

We consider that it may be **more** helpful to reassure existing users of ILF that their funding would remain intact and as noted in question 2 above that any additional or remaining funding is used as opportunity to streamline ILF systems and increase accessibility to other care groups, thus enabling more people to live independently.

Question 4

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

As above, we consider the funding should be accessible across all care groups and used to enable people to live as independently as possible in their local communities and in doing so achieve their personal goals.

We consider if ILF systems were streamlined this in itself would increase capacity of the monies.

Equally, we consider that as the monies are intended for individuals to enable them to live independently, we consider that it should be the individual's choice in how the ILF monies are used and not that of any agency. We assume by this question that Scottish Government is inviting other usage of the monies including invitation for tendering opportunities from agencies.

If, however, Scottish Government, were considering investment through ILF then it may be useful for Scottish Government to consider investment in a change fund for adults with a mental disorder (*the Mental Health (Care and Treatment) (Scotland) Act 2003 defines a mental disorder as a learning disability, mental illness, personality disorder*) to increase opportunities for inclusion and wellbeing through developing community capacity. By increasing community capacity this will enable increased opportunities for people to live independently. It is noted that whilst there is a change fund for all other care groups, i.e. children and young people, reducing reoffending, older people but there is none for people with learning disabilities or mental illness.

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?

As indicated above, Aberdeenshire Council consider the benefit of ILF is that it enables people to make choices about their care and support to enable them to live independently. It may be useful to redefine the criteria about how ILF can be used to make it more flexible so that users of ILF can make more choices about their care and support and in doing so decide themselves as to how they can live more independently.

As indicated above, if Scottish Government, were considering investment through ILF then it may be useful for Scottish Government to consider investment in a change fund for adults with a mental disorder (*the Mental Health (Care and Treatment) (Scotland) Act 2003 defines a mental disorder as a learning disability, mental illness, personality disorder*) to increase opportunities for inclusion and wellbeing through developing community capacity. By increasing community capacity this will enable increased opportunities for people to live independently. It is noted that whilst there is a change fund for all other care groups, i.e. children and young people, reducing reoffending, older people but there is none for people with learning disabilities or mental illness.

Question 6

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

Aberdeenshire Council support the information submitted by ADSW and consider that Option 1 is the most appropriate option for the following reasons:

1) Staffing Costs - Individuals would benefit from a streamlined system whereby they would only be involved in one assessment, support plan and review through existing staff in local authorities. Consequently there would be no cost attached to option 1 for staffing. We consider that the other 3 options would incur significant ongoing and set up staffing costs by way of practitioners to undertake an ILF assessment and associated clerical, managerial, travel and building costs. **This will undoubtedly reduce monies available to individuals given DWP is not transferring across any administrative and staffing costs associated with current ILF provision to Scottish Government.**

2) Administration and Financial Systems - Administration and financial systems would be streamlined as they would be incorporated into existing local authority systems. Consequently there would be minimal cost attached to option 1. We consider that the other 3 options would incur significant administration and financial costs by way of set up and ongoing costs associated with ICT, Administration, Financial systems. **This will undoubtedly reduce monies available to individuals given DWP is not transferring across any administrative and staffing costs associated with current ILF provision to Scottish Government.**

3) Locality Based Service – Individuals would benefit from a locally based, easily contactable and enduring service which will deliver a consistent service in their own area regardless of weather, travel, leave. Should a centralised agency undertake administration of ILF, we consider those in rural areas may experience a poorer quality and inconsistent service as ILF staffs may not be available or easily accessible.

4) Continuity of Service – We are somewhat concerned about continuity of ILF to existing users should other options be considered. Option 1 is available at any time. ILF will end in its current format in March 2015 but in referencing Scottish Government consultation a decision about the preferred option is unlikely to be made before February 2014. This will leave approximately one year for Scottish Government to undertake a tendering exercise, should options other than option 1 be considered, to meet procurement regulations and thereafter possibly 6 months for the successful organisation to be set up and organised across Scotland for transfer at end March 2015. Subsequently, we are concerned that existing ILF users may be left without an ILF service during the transition period and consequently experience discontinuity of support.

We invite Scottish Government to consider how the staffing and administration systems of the other 3 options would be funded with no negative impact on the ILF monies available given that no funding for these costs is being transferred by DWP, should Scottish Government favour one of these options

Equally we invite Scottish Government to consider how continuity of service provision will be assured to existing ILF users during procurement and set up of the other 3 options, should Scottish Government favour one of these options

We also invite Scottish Government to clarify what formula will be used to decide distribution of funding ILF across Scotland, regardless of option decided, as the consultation did not make comment upon this. This formula will be crucial in gaining transparency about funding distribution across Scotland.

Any other concerns by disability groups we should consider?

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.

There are two questions here: (a) is the current ILF discriminatory, and (b) are there equalities issues that post 2015 arrangement need to address?

Aberdeenshire Council agrees the findings of the review¹ by Henwood and Hudson (2007) that key aspects of ILF are discriminatory

“The total numbers of people supported via the ILFs are very small compared with the potential client population. People are also unable to access the ILF for a variety of other reasons associated with the eligibility criteria and operational rules. People with very high support needs are precluded from applying to the ILF, others are also barred from applying to the ILF or are limited in the support they receive, including people aged over 66; former residents of long stay hospitals; people with substantial support needs; some disabled people with partners; disabled people who are parents; black and minority ethnic users; people in education and learning, and people in the final stages of their life. We conclude

¹ See Footnote 2: *Review of the Independent Living Fund* (Henwood and Hudson, 2007) page ii.

that the ILF is characterised by an unacceptably high level of inequity that must be addressed as a matter of the utmost urgency”.

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