

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	16 th September 2014
Report of:	Director of Adult Social Care and Independent Living, Brenda Smith
Subject/Title:	The Independent Living Fund
Portfolio Holder:	Cllr Janet Clowes, Care and Health in the Community

1.0 Report Summary

- 1.1 The Independent Living Fund (ILF) is a fund which is made available to customers of Adult Social Care Services as additional funding when they have met certain criteria linked to their level of disability and care requirements. This fund is managed independently of Local Authorities and has been paid to people living in the community who have complex care needs requiring significant levels of care and support.
- 1.2 Following the Government's consultation on the future of the ILF, the Minister for Disabled People has announced that the ILF will close on 30 June 2015. From this date local authorities will have responsibility for meeting all of the eligible care and support needs of current ILF users. This means that on 30 June 2015 ILF payments currently paid directly to service users will cease.
- 1.3 There will be a transfer of funds from the ILF scheme into the Local Authority baseline budget to allow the Authority to meet the service users' needs previously met by the ILF fund, subject to their meeting the current eligibility criteria of the Council.
- 1.4 The ILF is funded by Central Government. It operates in partnership with Local Authorities to jointly fund tailored care packages for disabled people aged 16 - 64 to help them live more independent lives. Customers make a contribution to the ILF according to the ILF's own charging formula. There are currently two groups receiving ILF payments:
 - 1.4.1 **Group 1 – awards made pre April 1993.** A service user does not have to be receiving care from the Council to be eligible for funding and in some cases do not have to pay any contribution from their benefits. The maximum weekly award amount is £815 p/w. The Council holds no information on these users, however the ILF have written to these individuals asking that they consent for the ILF to contact the Local Authority and permit data sharing. It is likely that people from this group will have eligible care needs.

1.4.2 **Group 2 – awards made post April 1993.** The user has to be receiving a minimum amount from the Council to be eligible for care (weekly amounts range from £200 - £340 p/w depending on when the user applied). The user will pay a weekly contribution from their benefits ranging from £40.65 - £101.75 p/w according to the ILF formula.

1.5 All service users are expected to have an ILF transfer review by March 2015. This will involve a visit from the ILF to review the needs with the service user. The ILF are collecting and sharing information on their service users to try and assist Local Authorities in understanding the ILF assessment of the service user outcomes and required care packages.

1.6 The current known number of ILF customers in the Cheshire East area is 80.

2.0 Recommendation

2.1 That the transfer of the Independent Living Fund funding into the Council budget in 2015 be ring-fenced to the Adult Social Care commissioning budget to ensure that the Council continues to meet eligible need for those individuals previously in receipt of ILF.

3.0 Reasons for Recommendation

3.1 The expectation from Central Government is that ILF users will be supported through one single mainstream system. When the ILF budget transfers to Cheshire East Council it is considered to be most appropriate for it to be ring fenced to the Adult Social Care commissioning budget as all ex ILF users will be required to follow our usual care and financial assessment processes.

By ring fencing the ILF transfer to Adults Social Care Services the Council will be in a position to best meet the eligible social care needs of the service users involved following a full reassessment of current ILF recipients.

4.0 Wards Affected

4.1 All wards are affected as ILF recipients are dispersed across the Borough.

5.0 Local Ward Members

5.1 All

6.0 Policy Implications

6.1 There are no specific policy implications as normal Adult Social Care policy and procedure is applied at the point of transfer of users from ILF to Council assessment and care management processes.

7.0 Financial Implications

7.1 Details regarding funding transfer are yet to be determined.

8.0 Legal Implications

- 8.1 Following an appeal by 5 ILF service users to the proposed closure of the ILF, the High Court ruled in April 2013 that the closure decision was lawful, but this was overturned by the Court of Appeal. Central Government said it was considering whether to contest the judgement. During the Court of Appeal Hearing, the five argued the High Court had misinterpreted the law and there had been a lack of proper consultation by Ministers over the changes. They had argued that, without ILF funding and support, they would be forced into residential care or lose their ability to participate in work and everyday activities.
- 8.2 Cheshire East Council will ensure all users are supported to receive support to meet their eligible unmet social care needs but there is likely to be some elements of their current funding which will not be available to the individual following transfer. The Council may experience challenge in this area. The Adult Social Care service will support individuals to access other types of support which may be required to meet non eligible needs.

9.0 Implications for Rural Communities

- 9.1 There are no particular additional implications for Rural Communities.

10.0 Risk Management

- 10.1 It is recognised that the transition from ILF needs to be well managed in order to support individuals to manage within a revised allocated budget from the Council. In some cases this budget will be less than they have had previously received through the ILF.
- 10.2 A project plan has been prepared to plan for and implement the transfer. This plan will require all current ILF service users to have a reassessment of their care needs to determine the level of eligible unmet need. The assessment will determine the allocated personal budget for that individual. Each service user will require a financial assessment to determine their contribution towards their care in accordance with the Fairer Charging Policy.
- All current ILF users will receive a social care assessment or reassessment prior to May 2015 to prepare service users and care providers for the transition and possible reduction in allocated budget.
 - Adult Social Care services are preparing a communication plan for ILF service users and care providers to ensure full understanding of the reassessment process, the timescales and the potential impact on their funding for social care services.
 - As part of the reassessment process the service will engage with and consult care providers to assist them with the transfer process.

11.0 Access to Information

Full details of the ILF transfer decision and transfer process can be made available by the report author.

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