



Mr Taylforth

By email

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Date 20 November 2012

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Dear Mr Taylforth

### Freedom of Information Request

With regards to your recent Freedom of Information request dated 17 October 2012 in which you sought the following information.

**Please could you let me know if you have responded to the Governments consultation on the proposed closure of the Independent Living Fund (ILF).**

Yes.

**If you have, please could you provide me with your responses to the questions within that consultation.**

Please see Appendix 1.

Yours sincerely

**Adult Services Departmental FOI Co-ordinator**

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of receiving our response and should be addressed to Head of Information Compliance, Corporate Services, The Castle, Winchester, SO23 8UJ or emailed to [foi@hants.gov.uk](mailto:foi@hants.gov.uk).

Director of Adult Services  
**Gill Duncan**

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner at the following address, Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

## Hampshire County Councils response to the Independent Living Fund Consultation

Response submission date 10<sup>th</sup> October 2012

### Question 1

*Do you agree with the Government's proposal that the care and support needs of current ILF users should be met within the mainstream care and support system, with funding devolved to local government in England and the devolved administration in Scotland and Wales? This would mean the closure of the ILF in 2015.*

It is Hampshire's County Councils view that having one funding stream which meets the needs of individuals care and support will inevitably simplify current funding arrangements. However any future arrangements should ensure that funding levels for ILF users are maintained at current levels and are 'future proofed' with inflationary rises, for at least three years, to support the transfer of ILF users into the mainstream care and support system.

Whilst it is clearly possible to manage individuals care and support needs through Local Authorities, Local Authority eligibility criteria may mean that there could be consequences for some individuals. Therefore whilst devolving funding to Local Authorities may give greater equity in terms of service provision for all individuals who require care and support, some of whom would not have been eligible for ILF funding, those individuals who currently receive part of their care and support needs through the ILF may perceive this as an erosion of services and a potential loss of independence and choice.

### Question 2

*What are the key challenges that ILF users would face in moving from joint ILF/ Local Authority to sole Local Authority funding of their care and support needs? How can any impacts be mitigated?*

The key challenge in devolving funds to Local Authorities is the potential disparity between what the ILF is able to fund and the eligibility criteria of the individual authority. Where the ILF is able to fund services such as domestic assistance and leisure activities, these may now fall outside of the Fair Access to Care criteria used by some Local Authorities, and therefore some individuals may potentially lose services. The only way of ensuring that all services are maintained would be to ring fence funding to an individual. However this would create administrative challenges for Local Authorities and would also retain an element of inequality of care provision. It is therefore likely that for the majority of recipients any changes will cause some anxieties. Concerns about potential changes to funding or fear of losing funding will need to be managed in a sensitive manner and any decisions regarding alterations to an individuals care and support provision will need to involve them to ensure a smooth transition of funds.

### **Question 3**

*What impact would the closure of the ILF have on Local Authorities and the provision of care and support services more widely? And how can any impacts be mitigated ?*

Should the ILF devolve its funds and prior to this happening it will be essential that people are communicated with prior to the event. It is Hampshire's' view that this communication will need to be undertaken in a variety of ways to ensure that people are kept fully informed and engaged in the handover process and any lack of adequate communication will inevitably have an impact on Local Authorities.

Any closure of ILF, with a transfer of funding to the Local Authority, is likely to place a significant impact on Local Authority staff resources through the communication required at initial stages, the assessment of ILF users, and the ongoing support for ILF users with any changes in service they face. For large Authorities, such as Hampshire, who have in the region of 50 people in User Group 1 and 300 in Group 2, unless there is any funding to support this transition (for example time limited funding for assessor posts to ensure a smooth handover and provide families and support networks with an identified contact point), there is likely to be considerable strain placed on Local Authority resources due to the impact on day to day work loads. This will inevitably mean an impact on existing Local Authority service users.

There will also be additional impacts on Local Authorities staffing resources where current ILF support falls outside a Local Authorities eligibility criteria, as Local Authorities will need to work closely with non statutory organisations to look at other potential ways of providing support. This may require some funding, which may impact on existing budgets and may inevitably mean an impact on existing Local Authority service users .

The ILF will also need to ensure that Health Authorities are kept fully informed as for many ILF users, particularly individuals in User Group 1, there is likely to be some involvement and potential requirements for Continuing Health Care assessments.

### **Question 4**

*What are the specific challenges in relation to Group 1 users? How can the Government ensure this group are able to access the full range of Local Authority care and support services for which they are eligible?*

The most pressing challenge with those individuals in User Group 1 is how do Local Authorities engage with them to ensure that their services can be maintained. At this time Local Authorities will be aware of the number of people who are in this group, however they will not be aware of who they are or what services they require so will be unable to plan for their transfer.

It is an individual choice for those in User Group 1 not to have their details passed to the Local Authority. If the decision is made to devolve the ILF funds to Local Authorities and individuals refuse to give their permission to share their information they will potentially put themselves in the vulnerable position of losing services.

Clearly the ILF needs to engage with these people and work with them to ensure a safe handover of services. However a decision needs to be taken by the ILF as to what they will need to do if any ILF user, but particularly those who do not have the capacity to make this decision and may not fully understand the implications of doing so, refuse to give consent to share.

**Question 5**

*How can DWP, the ILF and Local Authorities best continue to work with ILF users between now and 2015? How can the ILF best work with individual Local Authorities if the decision to close the ILF is taken?*

If the decision is made to devolve funds to Local Authorities it is Hampshire's view that the transition of individuals care and support should start as soon as possible and prior to 2015. This will give Local Authorities time to ensure that all ILF users have an assessment of needs as soon as possible in order that they can understand the impact of any changes and put together appropriate plans to ensure any transition and ongoing support is as smooth as possible for the ILF user.

It is a particular concern that if the transition does not start early enough then Local Authorities will not have access to ILF stored information, particularly relating to those people in User Group 1.

A communication plan will need to be implemented immediately any decision is made to ensure that both Local Authorities and ILF users have up to date and accurate information regarding any changes that are being implemented.

Transition support funding should be provided by ILF to Local Authorities to support them with the increased workload in terms of communication, additional assessments and ongoing support caused by any closure.