

### Question 1

**Do you agree with the Government's proposal that the care and support of Current ILF users should be met within the mainstream care and support system with funding devolved to local government by 2015?**

The current approach by the Government to transfer the care and support arrangements over to Local Government by 2015, could reduce the impact of service users and carers having to go to multiple locations; interact with a range of different systems, policies and procedures and as a consequence reduce the need to be allocated a range of different case workers in order to access the appropriate level of care and support.

However, the priority of Central Government and the trustees of the ILF fund should be to ensure that existing service users are safeguarded given the huge pressures on the social care system especially for individual with complex needs given the current challenging fiscal climate.

Dumfries and Galloway Council recognises the vital role that ILF plays in people's lives in enabling individual to live in the community having an ordinary life. Therefore we could only support these measures if it was seen in the context of developing a wider reform in relation to the adequate funding of social care in Local Government as outlined within the Dilnot Report, 2011.

### 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 these impacts be mitigated?**

For the service users and carers that are already known to Social Work Services there would be a reduced impact for service users as Social Work personnel are already involved in the assessment and review processes that are currently in place to supervise the ILF contribution to care and support packages. Indeed, there may be some benefits to the transfer such as reduced assessment and review activity because one system would cover all aspects of the service user's care and support package.

However, the transfer of service user's who are in the pre-93 fund would face more of a challenge. They: -

- May not be known to social work service and may want to maintain that element of independence;
- Their funds can be used in a different way to post 93 fund holders and may not fit with current funding options;
- Would require to be allocated with Social Work Services and their needs might be best supported within health;
- Given the complex needs of many of the ILF recipients they would require a comprehensive assessment and care plan and this would require considerable resourcing;
- May not meet the Local Authorities, eligibility and priority framework and therefore not meet their current funding arrangements;
- There significant issues for service users who employ personal assistants in order to access work and this could potential lead to people with a disability becoming increasingly isolated;
- If packages are reduced due to eligibility criteria there would be an impact for services users who are employers of personal assistants in relation to reduced hours; associated costs and the impact that this may have on the wider community;
- Benefit appointees cannot be given cash payments by Local Authorities. This may lead to the increase in the use of legislation due to the service user lacking capacity. This would take time and impact on other systems

The impacts could be mitigated if the government could offer service users, carers and local authorities: -

- Some guarantee to the employment rights of support assistants as transition arrangements are arranged;
- A service level agreement that has a realistic lead in time and maintains the current support arrangements in the form of ring fenced funding;
- That transition funding of £2 Billion is cascaded to local authority's post 2014/15 in order to develop a long-term stable settlement in relation to social care funding.

### Question 3

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

It was recognised within the consultation document that it was difficult to estimate the take-up of ILF and the distribution of need throughout the whole of the United Kingdom and with the closure of the fund to eligible service users has resulted in an uneven access to the fund.

Therefore, the impact that the closure of ILF will have on Local Authorities would be: -

- The increase of case load on an already stretched social work service;
- Care and Support Arrangements may not meet with Local eligibility and priority frameworks;
- How would these arrangements fit with the development of personalisation and service users current 'in control' arrangements;
- Given the challenges of meeting increasing demand with current financial pressures, Local Authorities may not be in a position to respond within the 2015 timeframe;
- The impact of welfare reform and the introduction of personal independence payments is unclear how this will impact on existing ILF recipients;
- The entitlement to free personal care to those service users who are over 65 and in receipt of ILF is unclear;
- ILF has enabled service users to recruit self employed personal assistants whilst HMRC will not there could be legal and budgetary consequences as a result.

In order to mitigate the impacts on Local Authorities a number of measures could be introduced to support this arrangement: -

- The even distribution of the ILF fund throughout all the 32 Local Authorities in Scotland this would enable local authorities to respond to the evolving demographic, social and legal changes within their authority;

- That the resource transfer takes in to consideration the transfer of staff, capital and care and support funding that would supplement and mitigate the cost of increased workload;
- That an objective eligibility and framework is developed that fits with the move towards personalisation and co-production with service users;
- That Local Authorities will retain their level of ILF funding so that they are able to develop flexible responses the needs of their citizens' and that these are up-rated yearly on the same basis as the state benefit. These arrangements could be reviewed on a regular basis by an independent body such as the Mental Welfare Commission.

#### 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?**

People who use the service should influence the design of the services they receive as well as recognise that carers are active partners and care providers. As a result thought should also be given to the impact that these proposed reforms may have for carers. The proposed reforms also need to recognise the impact that the proposed reforms would have on the wider Health and Social Care Sector.

The Government could run a series of stakeholder and awareness events in the various Local Authorities in order to improve service user and carers understanding of the implementation of the proposed change.

Organisationally, how will Fund 1 service users be identified? The ILF will require working with Local Authorities to determine a way forward. There are clear issues of Capacity and individual services user's able to give consent.

Potentially Fund 1 service users may not be supported with costs that reach £2K per week and residential care may be the only option offered to individuals.

Possible ways of resolving these issues are: -

- ILF contact offers work with Local Authorities to assess individuals and work through issues with the host authority i.e. joint working, joint visits;

- Phased implementation of transfer over a five year period with the development of an exit strategy that is shared with stake holders;

### 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 ILF is taken?**

There is a recognition that the wider health and social care system has to evolve and be able to respond to demographic and other changes but this must be seen in the context of a wider and longer term funding settlement. As a result, the DWP and ILF should begin involve service users, carers, local authorities and the wider health and social care sector by commencing activities that stimulate community supports and prepare the social care sector to involve service users: -

- **Co-commissioning** of services, which embraces:
  - **Co-planning** of policy - e.g. deliberative participation, Planning for Real, Open Space;
  - **Co-prioritisation** services - e.g. individual budgets, 'community chests', participatory budgeting - stakeholder representation in commissioning decisions;
  - **Co-financing** services - e.g. fundraising, charges, agreement to tax increases;
- **Co-design** of services - e.g. user forums, service design labs, customer journey mapping;
- **Co-delivery** of services, which embraces:
  - **Co-managing** services - e.g. leisure centre trusts, community management of public assets, school governors;
  - **Co-performing** of services - e.g. peer support groups (such as expert patients), Nurse-Family Partnerships, meals-on-wheels, Neighbourhood Watch;
  - **Co-assessment** (including co-monitoring and co-evaluation) of services - e.g. tenant inspectors, user on-line ratings, participatory village appraisals.

There needs to be a clear communication and development strategy that acknowledges the impact of the closure of ILF will have a significant effect on the individual recipients as well as on their carers and the wider health and social care system. The government needs to develop a clear strategy that outlines how devolving responsibility to local government would work in order to support people with a disability to live their lives as they choose and not a life in fear of financial and social loss and curtailed independence.