

**A Consultation on the future use of
resources devolved following the
UK Government's decision to close
the Independent Living Fund
(August-November 2013)**

Responding to the Consultation

The Independent Living Fund Policy Team welcomes responses to this consultation paper by 1 November 2013.

Please send your response with the completed Respondent Information Form to:

ILF@scotland.gsi.gov.uk

or

Lauren Miller
ILF Policy Team
Adult Care and Support Division
Scottish Government
2ER St Andrew's House
Regent Road
Edinburgh
EH1 3DG

If you have any queries, please contact Lauren Miller on 0131 244 3430. We would be grateful if you could clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>

The Scottish Government now has an email alert system for consultations at SEconsult: <http://www.scotland.gov.uk/Consultations/seConsult>. This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces, SG distribution lists and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the Respondent Information Form as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library (see the attached Respondent Information Form) and the Scottish Government consultation web pages by January 2014. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on the Independent Living Fund. We aim to issue a report on this consultation process shortly after the end of the consultation.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

Lauren Miller
ILF Policy Team
Adult Care and Support Division
2ER St Andrew's House
Regent Road
Edinburgh
EH1 3DG
Or e-mail: Lauren.Miller@scotland.gsi.gov.uk

Introduction

This paper is divided into a number of sections. The first sets out what the Independent Living Fund was established to do and what it achieved and goes on to describe how the Fund came to be closed. The second section provides some examples of individuals who have benefitted from the Fund and briefly describes some of the inequities that may arise between existing recipients (who will be able to continue to access the Fund) and non- recipients. The third section provides some options for how the Fund monies could be administered in the future. You will also see that a number of questions have been posed to which we would welcome your answers. Some ask about the past and present value of the Fund in terms of what it delivers because we would like to know directly from individuals what the benefits (or possible drawbacks) have been. Other questions are much more firmly focused on the future.

Often a consultation such as this would go into greater depth about possibilities for the future. The position is still open-ended and further work will need to be done. However, we are keen to know what you think about how things stand and what might happen next. The only aspect that is clear is **the Scottish Government's intention that current recipients should not have their existing funding taken away unless their personal circumstances change and they become ineligible.** We will therefore seek to implement a scheme which will enable current recipients to continue to receive the same award as they would have had, had the Fund not been abolished, for so long as they continue to meet the eligibility criteria which gave them access to the Fund. Our ability to support such a scheme is subject to sufficient levels of funding being devolved from the UK Government to the Scottish Government for this purpose.

The consequence of this fundamental decision is to give current recipients reassurance. It also means that there is only a relatively small amount of money from the overall Fund that could (dependent on the final sum negotiated with the UK Government) become available each year and could be used for the same purpose (or for different purposes). We are keen to know what might be done with this limited resource and are open to your ideas. We are currently in negotiation with the UK Government regarding the overall figure devolved but it is likely that the final figure will be c.£50m.

Background

Independent Living is an area which the Scottish Ministers and CoSLA leaders have set as a priority for co-ordination of action across the public sector, and against which they will be required to report on progress. The Vision for Independent Living in Scotland (Annex A), co-signed by the Scottish Government, the disabled people's Independent Living Movement, CoSLA and NHS Scotland states:

“based on the core principles of choice, control, freedom and dignity, disabled people across Scotland will have equality of opportunity at home and

work, in education and in the social and civic life of the community”¹

They go on to say that to apply these principles in practice there has to be a clear understanding of what independent living means: ‘disabled people of all ages having the same freedom, choice, dignity and control as other citizens at home, at work, and in the community. It does not mean living by yourself or fending for yourself; it means having the rights to practical assistance and support to participate and live an ordinary life’.

The Independent Living Fund is one example of the support that has contributed to disabled people being able to live independent lives. It has made a significant contribution to individuals being able to be active citizens, equal to all other citizens.

The ILF <http://www.dwp.gov.uk/ilf> was originally set up in 1988 as a national resource dedicated to the financial support of disabled people, enabling them to choose to continue living in the community rather than move into residential care. It supports individuals to participate fully in society by paying for support over and above an initial level offered by a Local Authority social work department. It is a national source of funding, assessed at a local level by independent ILF assessors, and paid directly to the individual. It is also portable across Local Authority boundaries so that when people move, the money goes with them. What makes ILF highly valued is that it has the potential to provide extra flexibility and greater innovation in supporting people to live independently.

Currently, the ILF provides support to 3204² people in Scotland, spending £55.8 million in 2012 (approximately 17% of the overall UK pot), largely on people aged 18-64 with learning or physical disabilities. For comparison, Local Authority expenditure on social care for people with learning or physical disabilities was £878 million in 2011-12, including expenditure on direct payments of £45 million.

The table³ below shows the geographical spread of ILF recipients across Scotland by Local Authority area.

Please note: Group 1 as referred to in the table below are ILF users who started to receive funding between 1988 and when the first Fund closed in February 1993 are known as Group 1 users. For these users, Local Authority support is not part of the ILF eligibility criteria. However, some users do benefit from support from their Local Authority, either by way of services or a direct payment;

Group 2 are those users who started to receive ILF funding from February 1993. These users were required to have a minimum Local Authority contribution of £200 per week (the approximate cost of a place in residential care at that time) to support their package as part of the ILF eligibility criteria. This threshold was not updated, remaining at £200 until 2008, a significant reduction in the level of the threshold in real terms over that 15 year period, significantly increasing the number of users who

¹ Our Shared Vision for Independent Living in Scotland, co-signed by the Scottish Government, the Independent Living Movement, CoSLA and NHS Scotland, 5 March 2013

² <http://www.dwp.gov.uk/docs/user-profiles-0313.pdf>

³ <http://www.dwp.gov.uk/docs/user-profiles-0313.pdf>

were eligible for this discretionary funding stream. In 2008, the Local Authority contribution was increased to £320, and then raised again in 2010 to £340.

Country/Region	Local Authority	Group 1	Group 2	All Users	ILF %	Pop'n at Census 11	Users/ 10,000	DLA (HC) Recipients	ILF %
Scotland		572	2,632	3,204	17.3%	5,295,000	6.1	45,670	7.0%
Scotland	Aberdeen	6	41	47	0.3%	223,000	2.1	1,160	4.1%
Scotland	Aberdeenshire	13	87	100	0.5%	253,000	4.0	1,260	7.9%
Scotland	Angus	2	52	54	0.3%	116,000	4.7	800	6.8%
Scotland	Argyll & Bute	4	91	95	0.5%	88,000	10.8	720	13.2%
Scotland	Clackmannanshire	5	13	18	0.1%	51,000	3.5	410	4.4%
Scotland	Dumfries & Galloway	9	34	43	0.2%	151,000	2.8	1,390	3.1%
Scotland	Dundee	6	66	72	0.4%	147,000	4.9	1,450	5.0%
Scotland	East Ayrshire	18	57	75	0.4%	123,000	6.1	1,310	5.7%
Scotland	East Dunbartonshire	9	41	50	0.3%	105,000	4.8	720	6.9%
Scotland	East Lothian	7	47	54	0.3%	100,000	5.4	690	7.8%
Scotland	East Renfrewshire	6	89	95	0.5%	91,000	10.4	630	15.1%
Scotland	Edinburgh	32	231	263	1.4%	477,000	5.5	3,150	8.3%
Scotland	Falkirk	8	23	31	0.2%	156,000	2.0	1,310	2.4%
Scotland	Fife	24	145	169	0.9%	365,000	4.6	2,650	6.4%
Scotland	Glasgow	150	562	712	3.8%	593,000	12.0	7,680	9.3%
Scotland	Highland	5	59	64	0.3%	232,000	2.8	1,650	3.9%
Scotland	Inverclyde	10	38	48	0.3%	81,000	5.9	910	5.3%
Scotland	Midlothian	7	32	39	0.2%	83,000	4.7	690	5.7%
Scotland	Moray	3	8	11	0.1%	93,000	1.2	550	2.0%
Scotland	North Ayrshire	9	75	84	0.5%	138,000	6.1	1,360	6.2%
Scotland	North Lanarkshire	113	201	314	1.7%	338,000	9.3	3,770	8.3%
Scotland	Orkney Islands	2	6	8	0.0%	21,000	3.8	140	5.7%
Scotland	Perthshire & Kinross	5	52	57	0.3%	147,000	3.9	990	5.8%
Scotland	Renfrewshire	14	119	133	0.7%	175,000	7.6	1,700	7.8%
Scotland	Scottish Borders	4	79	83	0.4%	114,000	7.3	800	10.4%
Scotland	Shetlands Islands		2	2	0.0%	23,000	0.9	150	1.3%
Scotland	South Ayrshire	9	59	68	0.4%	113,000	6.0	1,100	6.2%
Scotland	South Lanarkshire	56	173	229	1.2%	314,000	7.3	3,200	7.2%
Scotland	Stirling	8	17	25	0.1%	90,000	2.8	670	3.7%
Scotland	West Dunbartonshire	9	99	108	0.6%	91,000	11.9	1,160	9.3%
Scotland	West Lothian	16	31	47	0.3%	175,000	2.7	1,320	3.6%
Scotland	Western Isles	3	3	6	0.0%	28,000	2.1	180	3.3%

In June 2010, a decision was made by the UK Government to temporarily close the ILF to new applications for the remainder of the financial year 2010-11. In December 2010, following a review of the ILF, it was announced that the Fund was to be closed permanently to new applicants. Then in December 2012, following a DWP consultation, <http://www.dwp.gov.uk/consultations/2012/future-of-ilf.shtml> the UK Minister for Disabled People announced the decision to close the ILF permanently on 31 March 2015. Those with an award will continue to be supported by the ILF, using the current arrangements i.e. the funding will come from the ILF itself, until then.

From 1 April 2015, finance in lieu of the current ILF and responsibility will be devolved to the Scottish Government.

Scotland had been proactive in accessing the Fund over the years (i.e. 17% of the overall pot when its more usual distribution would be 10%). The UK Government has committed that Scotland will receive an allocation of the ILF resource, based on the level of expenditure at the point of transfer. The Scottish Parliament has also recently passed the Social Care (Self-directed Support) Scotland Act 2013 which will further expand the control and choice of individuals who are in receipt of social care. Those who are assessed under this statute will not have the benefit of ILF as some others have had in the past, which creates a degree of inequity between those who will remain ILF recipients and those who may have become recipients had the Fund continued. This however, must not be taken to mean that it is the assessment under the Social Care (Self-directed Support) Scotland Act 2013 that creates the inequity. It merely points to the fact that an ILF user could receive a higher level of support compared to somebody with similar support requirements.

The Scottish Government is committed to ensuring that the money devolved as a result of the closure of the ILF will continue to be paid to existing recipients, subject to the UK Government devolving the full allocation of funding determined on the basis of expenditure at the point of transfer and sufficient levels of funding continuing to be devolved in future years. This commitment is subject to the caveat that, either a change in an individual's circumstances would result in a reduction of support required or, a change occurring which equates to an individual becoming ineligible in terms of ILF current eligibility criteria.

As time passes, it is inevitable that there will be fewer people receiving support through this Fund. This is why the Scottish Minister for Public Health, in response to requests from Scottish stakeholders, has decided to consult on potential options for future distribution of these resources in Scotland as they become available. Whilst the closure of the ILF in its current form, will be disappointing for many people, it provides an opportunity to design a new system that is more appropriate for Scotland in the medium term – particularly in relation to how any 'new need' could be addressed through the small amount of money noted above – whilst reassuring current users in Scotland that they will continue to receive the funding (on the basis outlined above).

Further, it is important to stress that through the planning phase of this consultation the Scottish Government has worked with disability groups to help inform them of the detail of this consultation and intends to ensure co-production throughout the development and implementation of any potential new system and its delivery, so that what evolves will be fit for purpose.

What this consultation asks you is how the Scottish Government can use the remaining small resource (after current users are protected) efficiently and effectively over a period of time to assist people to live independently within Scottish society and how any potential new system could be administered.

In doing so, it is recognised that disabled people and unpaid carers are also subject to changes through Welfare Reform at a UK level and care package reviews at a

local level. For an individual, it is often not the impact of any one change that is important, but the cumulative impact of many changes. The decision regarding the ILF is just one component, but for those in receipt of ILF, it is an important one. The Scottish Government recognises this and whilst it cannot look to mitigate the impact of all these changes, it will consider the interaction between the welfare and social care system and any potential new system in Scotland.

Existing users

The Scottish Government recognises the value that individuals place on the ILF and the impact that uncertainty and change will have on these individuals. It is understood that, for some people, the ILF is the difference between employment and unemployment, being socially active and being isolated, being independent and being dependent on others to provide care and support.

Case Study

Abby (23) has cerebral palsy and scoliosis and uses a wheelchair, needing 24 hour support to live independently. Abby left home when she was 18 and lives on her own – without ILF funding she would still be with her parents, or in residential care. She went to university and gained an honours degree in social sciences. Her Local Authority package does not cover sleepovers but ILF money does which gives her another 21 hours of support on top of her existing package. The extra support provided by ILF means that Abby can live an ordinary, independent life by giving her flexibility.

Abby says:

“Having the level of flexibility that 24 hour support gives me is very important to me – it IS me – it goes a long way to shaping who I am – because I’m not stuck, I can do whatever I like:

- If a friend phones and needs to see me, I can just get up and go
- I can go to the cinema or stay out at the pub, rather than being put to bed at 7pm
- I can decide what I want to eat and go shopping for food at short notice, rather than having to plan
- I can get up and go to bed at the times I choose, and I can get up to go to the toilet during the night, rather than having to sleep in a wet incontinence pad
- I don’t have to go to the toilet to a schedule, or be fed at a time I haven’t chosen
- When I volunteer at LCIL I can stay on if I want to, or come in at short notice if I’m asked to.

All of this makes me feel valued and has increased the number of people in my support network – I have people I can talk to if I’m having a rough day – it can be a lonely world, the disability world. Without ILF I would have to plan everything in advance, I would get out less and my friendships would break down”.

Inequity

Whilst existing beneficiaries are clear about the difference the Fund has made in their lives, its closure means that there is less of a resource which the Local Authority would previously have matched. Local Authorities have said in response to the DWP consultation that a knock-on effect is likely to be that they will be unable to plug the financial gap to be able to support these individuals up to the same level that existing ILF recipients receive. This could mean that these individuals cannot seek or gain employment and are more isolated with little or no opportunity to be socially active. They may not be living their lives as independently as they wanted or had their expectations of what is achievable lowered because they do not have access to the type of support that ILF offers.

Case Study

Catherine (44) is visually impaired and has profound and multiple learning disabilities. She does not receive ILF because it closed to new applicants.

On the other hand, 18 year old Colin is partially sighted with learning difficulties. He has support from his Local Authority and he also receives ILF. His parents looked to the Local Authority when he was turning 16 to see what additional support he could benefit from upon leaving school in order for him to lead as normal a life as possible.

There is little difference between Colin and Catherine's day to day support needs. The obvious difference, however, is that Colin is in receipt of ILF whereas Catherine is not. If she were able to benefit from ILF, it is fair to assume that her life would be different - despite her council making up some of the funding gap that the closure of ILF has left. Catherine would likely be afforded similar support to Colin, dependent on her assessed needs which may allow her to enter into employment and develop friendships of her own which is such an important part of participating in society

Question 1

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

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?

The rest of this document outlines the financial challenges that the current system faces and seeks views on how resources can be used. The future of how any Fund can be used is then described. This is not aimed at providing the answers, but to stimulate ideas, which we will consider when developing future policy. Finally, a set of options are set out on which we seek views on how both the current and future use will be managed.

Finance and Sustainability

The UK Government announced that funding will be devolved to the Scottish Government after the ILF closes in 2015. Currently, the Scottish Government is in negotiations with UK Government on the level of funding that will be made available. There is a commitment from the UK Government that Scotland will receive its share of the ILF pot at the point of transfer based on the projected level of expenditure.

Historically, in practice, the ILF had been demand led. This meant that everybody that applied and was eligible, received an award. However, the Fund was used more than was originally intended, which meant decisions needed to be made to ensure it was sustainable. This led to prioritisation categories being introduced in 2008 to assist with a move towards a more sustainable cash led model of funding. This move then meant that the Fund was under-utilised. In 2009, the criteria were relaxed which led to an influx of applications and meant the ILF could not balance meeting individuals' needs with their commitment to existing users with the resources available. In 2010, the UK Government took the decision to close the ILF application process permanently, to ensure that existing award holders maintained their level of funding.

DWP have concluded that the ILF is not sustainable in its current form. For the reasons outlined above, the Scottish Government also believe that a "Scottish ILF" would be equally as unsustainable and, as such, something that cannot be supported if it were to be solely dependent on the existing resource. The Scottish Government, in co-production with its partners needs to establish how any new Fund can be sustained. We have taken the approach to consult without **all** the required financial data, in an attempt to allow views on the scope of the Fund (see page 10) to be known and costings then made, based on consultation responses received.

The funding released through attrition could potentially be increased by streamlining systems and re-prioritising the focus of **future** awards, whilst ensuring that the Fund is being used in the manner in which it was intended. However, the savings from this, which may generate some resources, are not likely to be substantial, especially when considering one of ILF's strengths is the small administrative budget it operates within.

For all **new** awards, it would not be possible to assume that anyone who is successful will have that resource 'for life' as has been mistakenly believed with the current system because that would simply replicate the inequities of the current system.

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?

Question 4

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

Focus of a new Fund

If the outcome of this consultation is that a new Fund should be developed, consideration will need to be given to who the target group will be. The Scottish Government would like to use this limited fund in a way that has the greatest impact on individual lives.

The responses in relation to this section are intended to inform any potential work plan which we would intend to co-produce with our partners, including disability groups and Local Authorities. The work plan will need to include co-producing new eligibility requirements with our partners following consultation, throughout the transition to 2015. If the decision is to transfer responsibility to Local Authorities, we will either co-produce a brief report, which will assist them with any future decision making, or work towards potential legislative options, if necessary and appropriate.

One of the options below would lead to the responsibility of the focus of the Fund lying with Local Authorities, within the broad scope outlined by the Scottish Government. Other national models talk about a potential move away from the “awards for life” assumption that the current ILF system implies. Whilst the Scottish Government is open minded to suggestions for the use of the Fund, we will need to consider all ideas to ensure that future service provision is not jeopardised.

For instance, this Fund could be used to overcome short term challenges in an individual’s life, such as an individual in transition. An example could be an individual seeking employment, the person may benefit from short-term intensive support to become employed and settle in to a new phase of their life. The award could help support this individual to pay for services that can deliver this, with the ultimate intention that the funding would be scaled back as the individual becomes more independent within their new situation. Other suggestions include prevention and low level support that could shift the emphasis away from waiting for an individual’s support requirements to increase before they can access a service. Support around lifelong learning and citizenship, which could provide support for disabled people of any age to take part in learning for their own personal development, mental health or leisure etc. Another suggestion is for support in Social Leisure and Civic Participation to allow individuals to contribute to their communities perhaps through community councils or local classes, which enable more peer support and social life.

Case Study

Angela has a learning disability and also some mobility problems. She used to go to a service that took her out in groups. They would organise days out for her to go ten pin bowling and to the cinema. Angela didn’t always get to choose what she wanted to do because they went everywhere as a group.

As Angela got a bit older, she felt like the rest of the group were getting younger, and she started to struggle with getting out and about and keeping up with the young ones. She wanted to leave the service. She went to the council and they said she could leave if she wanted to but she was worried that if she left she would be left in the house alone with nothing to do. Angela was also worried about becoming lonely. She doesn’t like being on her own for too long. It makes her feel anxious and depressed.

Around this time she got a new Social Worker who got the ball rolling with her ILF application. Angela was awarded the funding for life to support her to do the things she wanted to do. Angela has a good relationship with her support providers; they are flexible and let her control her own support to fit in with her life. Angela chooses the workers who support her and says when they should support her. ILF has helped her to get involved, to become active and get her voice heard. ILF has changed Angela's life. She has found new friends and achieved positive change in her life. Angela wants to continue to help to improve the lives of people with learning disabilities by being involved and active.

A second example could be an individual who has support within a day centre which, for any number of reasons, is closing. This person is seeking more independence and wants to participate more fully in wider society. This person is at risk of becoming isolated, losing what was traditionally their social circle. The Fund could be used to provide intensive short-term transitional support, helping the individual plan and purchase a service that maintains their current social networks outside the day centre setting. This would assist in building networks around the individuals, ensuring they do not become isolated whilst fulfilling their desire for greater independence.

Case Study

Mrs Jones is 74 and cares for her 52 year old daughter, Frances, who has learning and physical disabilities. Frances' needs were manageable when Mrs Jones and her husband cared together for their daughter. Mrs Jones now cares alone after her husband died and she provides most of the support to her daughter.

Frances attends a day centre three days a week which she enjoys and has two short break holidays each year; apart from this, Frances is reliant on her mother to take part in other activities. Mrs Jones has a range of health problems and is finding it increasingly difficult to cope with the demands of caring. She worries what will happen to Frances if she is unable to provide the level of care she does at the moment and would like to be able to have plans in place for Frances should anything happen to her. She worries that Frances will never have the opportunity to try to live independently as the ILF is closed.

Another area of focus could be providing one off payments to individuals for the purchase of technology to prevent or reduce the amount of on-going support required. A similar approach could help prevent an escalation of support required in the future, thereby maintaining the individual's level of independence, whilst providing a longer term cost-effective option. This more sustainable approach could lead to longer term cost savings, whilst more importantly, enabling individuals to live more independently.

The above represents a number of scenarios where the Fund could be used in a short term way to improve individuals' lives and promote independent living in the longer term. This is not a list of options but is intended to stimulate ideas which can be put forward in response to this consultation. The Scottish Government remains open minded regarding the focus of the Fund and invites views, particularly from users of social care services, on how any resources could be applied.

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?

Models for delivery of a new Fund

Based on feedback received by the Scottish Government and responses to the DWP consultation, it is clear that user groups strongly support a “Scottish ILF”. DWP have already stated that the current system cannot be sustained. A “Scottish ILF” would be subject to the same pressures that the UK-wide ILF has undergone. Whilst we welcome all views on this and aim to reflect these in our response following the consultation, we do not view a ‘Scottish ILF’ in its current format, as a viable option. We welcome views on any further proposals on the use of the released resource that you think should be considered as part of any policy that may be developed. We will consider views on a new system, with a renewed focus and other suggestions that may not be outlined within this consultation document.

The following gives a brief summary of the feasible options that the Scottish Government have been able to identify, for distribution of funding. We will consider all views in relation to these and other options:

Option 1 Local Authorities

Local Authorities are responsible for providing social services to eligible people within their area. Local Authorities could administer the Fund on a local basis in conjunction with their wider social care duties. This option would be in line with the decision made in England. If option 1 (Local Authorities) is the preferred method of administration, there are two ways to devolve the resource to Local Authorities. The first approach would be to devolve the finance to Local Authorities who can then decide the extent of protection for existing users, with direction from the Scottish Government. The second approach would use legislation to ensure that all ILF recipients receive an award in line with the Scottish Government’s commitment to recipients, administered by Local Authorities. Any devolution of resources to Local Authorities will be subject to the UK Government devolving the full allocation of funding, determined on the basis of expenditure at the point of handover.

Advantages

- ✓ Lead to equality of service provision within a Local Authority area.
- ✓ Place the responsibility for use of the Fund at a local level.
- ✓ Individuals would benefit from Local Authority expertise in having their care and support requirements met and a point of contact.
- ✓ Potentially, individuals would be subject to a single eligibility criteria.

Disadvantages

- ✗ Potential to lead to disparity in funding between Local Authority areas based on existing expenditure.
- ✗ Existing users may find their overall support separate from their ILF packages reduced to ensure equity within a council.
- ✗ Could further add to a lack of portability of packages between Local Authority areas, restricting an individual’s ability to seek work in a different Local Authority area or make other lifestyle changes.

Option 2 The Scottish Government

The Scottish Government could administer the Fund on a national basis, inviting applications either directly from individuals or through Local Authorities.

Advantages

- ✓ Could promote more equitable national distribution, over time.

✓ Can assist with portability of packages enhancing an individual's ability to seek work in a different Local Authority area or make other lifestyle changes.

Disadvantages

- ✗ Potentially high administration cost.
- ✗ Little experience in awarding cash payments to individuals directly in such a way.
- ✗ Individuals could be subject to 2 sets of eligibility criteria.
- ✗ There may be a conflict of interest between the Scottish Government's role for setting national strategic policy by also fulfilling a delivery role.
- ✗ Does not contribute towards mainstreaming of social care.

Option 3 An existing agency or Non Departmental Public Body (NDPB)

An agency, yet to be determined, could administer the Fund on a national basis, inviting applications either directly from individuals or through Local Authorities. This could provide a sufficient differentiation between national policy development and delivering a person centred service.

Advantages

- ✓ Could promote more equitable national distribution, over time.
- ✓ Can assist with portability of packages enhancing an individual's ability to seek work in a different Local Authority area or make other lifestyle changes.

Disadvantages

- ✗ Potentially high administration cost.
- ✗ Individuals could be subject to 2 sets of eligibility criteria.
- ✗ Does not contribute towards mainstreaming of social care.

Option 4 New Partnership and/or Trust

This option would create a new national trust or partnership within the third sector, which could build on some of the strengths of the current ILF trust, whilst potentially putting disabled people and carers in charge of targeting the most efficient delivery of the Fund as it becomes available. Whilst the exact detail of any partnership and/or trust will need to be developed, it will offer the opportunity to co-produce a system with disabled people and carers at the centre. This system could administer the Fund on a national basis, inviting applications either directly from individuals or through Local Authorities.

Advantages

- ✓ Could promote more equitable national distribution, over time.
- ✓ Can assist with portability of packages enhancing an individual's ability to seek work in a different Local Authority area or make other lifestyle changes.
- ✓ Would place disabled people and/or their representative organisations in charge of managing the Fund

Disadvantages

- ✗ Individuals could be subject to 2 sets of eligibility criteria.
- ✗ Does not contribute towards mainstreaming of social care.

Under any national system (options 2-4), the Scottish Government would intend to provide a degree of security to individuals for the ILF award, (for as long as they meet the eligibility criteria) subject to the UK Government devolving the full allocation of funding, determined on the basis of expenditure at the point of handover. For option 1, the Scottish Government aim to provide the same degree of security for the ILF award component of the award. However, Local Authorities will be responsible to administer it

and decide on the interaction between the ILF award and the Local Authority contribution to an individual's overall package. Local Authorities will still have the power to change the level of their support as part of their reassessment criteria.

Question 6

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

Equality Impact Assessment (EQIA)

An EQIA is a process designed to ensure that a policy, project or scheme does not discriminate against any disadvantaged or vulnerable people. The Scottish Government is subject to the Public Sector Equality Duty under the Equalities Act 2010.

The EQIA is an iterative process and will be carried out several times during the development of this policy.

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.

Terminology

Independent Living Fund (ILF)

The Independent Living Fund is designed to enable people who are severely disabled to live independently at home, rather than in residential care. It was available, on successful application, to people over 16 and under 65 years of age when they apply. It is a discretionary payment that is managed within rules set by Trustees of the Fund.

Independent Living

Independent living means disabled people of all ages having the same freedom, choice, dignity and control as other citizens at home, at work, and in the community. It does not mean living by yourself or fending for yourself. It means rights to practical assistance and support to participate in society and live an ordinary life.

Self-Directed Support (SDS)

Self-directed support is a term that describes the ways in which a person can have informed choice about the way support is provided to them. It is based on a collaborative approach whereby the person, in partnership with their professional, identifies their personal outcomes. The Social Care (Self-directed Support) (Scotland) Act 2013 then provides a range of options for how the available resources might be used. The person may: take a direct payment; have a direct payment managed by a third party; direct the available budget to arrange support from the Local Authority or from a commissioned provider; or ask the Local Authority to arrange support on their behalf. The person may also choose from a combination of these options. This allows people to select support from out-with the traditional provider market and to spot purchase from more general goods and services.

People in receipt of Independent Living Fund often require similar support to people using direct payments. A person can combine their social services support with ILF funding into one single budget, and many current direct payment recipients choose to do this. In addition, ILF awards can be affected by the level of support provided to the individual by their Local Authority.

Our Shared Vision for Independent Living in Scotland

This statement is jointly signed by the Scottish Government, the Convention of Scottish Local Authorities (on behalf of Local Authorities), the disabled people's Scottish Independent Living Coalition, and the National Health Service Scotland. It sets out our agreed vision, based on the core principle that disabled people across Scotland will have equality of opportunity, and the means to be full and active citizens.

Independent living means “disabled people of all ages having the same freedom, choice, dignity and control as other citizens at home, at work, and in the community. It does not mean living by yourself, or fending for yourself. It means rights to practical assistance and support to participate in society and live an ordinary life.”

Without practical assistance, an accommodating physical environment and a receptive and inclusive culture, many disabled people cannot exercise their full and equal contribution in society; live free from discrimination and harassment nor contribute to a wealthier and fairer, healthier, safer and stronger, smarter and greener Scotland.

These rights to independent living are enshrined within the United Nations Convention on the Rights of Persons with Disabilities, the Human Rights Act 1998, and the Equality Act 2010.

The Scottish Government, Scottish Local Authorities, the Scottish Independent Living Coalition and the National Health Service Scotland are committed to working together as equal members of the Independent Living Programme. Our shared commitment to independent living for all disabled people in Scotland is founded on our belief that it is the right thing to do, and it is in Scotland's interest:

- It is right for the individual – to be free from prejudice and discrimination; and to participate within society as full, and active, equal citizens
- It is right for public bodies - putting this agenda at the heart of planning and service delivery will make them more effective and more efficient at targeting limited resources to needs, reducing spending in the longer term and meeting their legislative duties
- It is right for our economy – the more diverse the economy, the more innovative and high growth it is; and the more successful it will be at recognising, attracting and growing talent
- It is right for society as a whole – a more equal society will have greater strength and social cohesion

We have much to learn from one another. Our working partnership is based on a model of co-production and inclusion from policy making to service design, delivery and monitoring. We recognise that there is scope to deliver lasting change for disabled people in Scotland. This can only be achieved by thinking and acting aspirationally; and by ensuring that the voices of disabled people are heard, understood, have equal weight and are well respected. This approach will help

deliver our shared vision across our respective areas of responsibility covering all devolved public services in Scotland.

Our vision and strategic approach fits with the National Performance Framework, the 'Statement of Ambition' on Community Planning, Single Outcome Agreements (SOAs) - as agreed between the Scottish Government and Community Planning Partnerships, and the National Health Service Scotland Quality Strategy. Our vision builds on a shared agenda to tackle health inequalities, and seeks to reduce inequalities in all other areas of life, which are experienced by disabled people at large, as identified by the Equality and Human Rights Commission Report of 2010.

Effective community planning arrangements will be at the core of public service reform. They will drive the pace of service integration, increase the focus on prevention and secure continuous improvement in public service delivery, in order to achieve better outcomes for communities. Community Planning and SOAs will provide the foundation for effective partnership working within which wider reform initiatives, such as the integration of health and adult social care and the establishment of single police and fire services, will happen. Disabled People's Organisations have a pivotal role to play here as active, knowledgeable and unique Third Sector partners for statutory bodies.

Communities have high expectations of public services and have a key role to play in helping to shape and co-produce better outcomes within their communities. If community planning partnerships are to unlock that potential, their foundations must be built on a strong understanding of their communities including disabled people, and provide genuine opportunities to consult, engage and involve disabled people as equal and active citizens.

We will work to make all our outcomes inclusive of independent living principles and practices, so that disabled people can participate in society and lead an ordinary life, on an equal basis to that of other citizens, and be a part of Scotland's future development as a country of equality of opportunity and quality of life for all of its citizens.

We believe that by working in partnership we will be better equipped to identify the best approach to achieve agreed outcomes, making the most effective investment of resources and taking account of the priorities and needs of all local communities.

We will work in collaboration to deliver our strategic approach to independent living, with a cross sector plan of activity, which will support independent living for all disabled people in Scotland.

Our overall objective is to deliver real choice and control for disabled people in all areas of life, and all parts of Scotland, ensuring their dignity and respect at all times as full, and active, equal citizens of Scotland.

We recognise that this will require continued effort by all partners and others across society. It will take time to achieve this vision, but this refreshed and updated joint statement and our strategic approach are important milestones in our journey to make independent living a reality.

Jim Elder-Woodward, OBE
Convener, Scottish Independent Living Coalition

Cllr Peter Johnston
COSLA Spokesperson for Health and Well-being

Alex Neil
Cabinet Secretary for Health and Wellbeing

Derek Feeley
Director-General Health and Social Care, Scottish Government
Chief Executive NHS Scotland
Independent Living Programme Champion



Consultation List

Scottish Government

Carers (SG)
Improving Delivery (SG)
Independent Living (SG)
Joint Improvement Team (SG)
Joint Outcomes Unity (SG)
Shifting the Balance of Care (SG)

Voluntary Organisations and Private Care Providers

Action for Children
Advocating Together Dundee
Age Concern and Help the Aged Scotland
Ayrshire Independent Living Network
Alzheimer Scotland
Arc Scotland
Audit Scotland
BEMIS
Borders Direct Payment Agency
Camphill Scotland
Capability Scotland
Carers Scotland
Carr Gomm Scotland
Coalition of Carers In Scotland
Community Care Providers Scotland
Cornerstone
Crossroads Scotland
Deafblind Scotland
Down's Syndrome Scotland
Dundee Direct Payment Centre
ELCAP Ltd
ENABLE Scotland
Equal Futures
Glasgow Centre for Inclusive Living
Glasgow Social Care Providers
ILiS (Aberdeen)
In Control Scotland
Inclusion Scotland
Key Housing Association
Learning Disability Alliance, Scotland
Lothian Centre for Inclusive Living
Margaret Blackwood Housing Association
Midlothian Community Care Providers Forum
Mochridhe
Momentum
National Autistic Society
North Lanarkshire Disability Forum
PAMIS

Partners in Advocacy
Penumbra
People First
Positive Steps Partnership
Princess Royal Trust for Carers
Quarriers
Richmond Fellowship Scotland
RNIB
RNID
SAMH
SCAH
SCOD
Scottish Association for Mental Health
Scottish Care
Scottish Care at Home
Scottish Consortium for Learning Difficulties
Scottish Development Centre for Mental Health
Scottish Recovery Network
Scottish Society for Autism
South Lanarkshire Disability Forum
SPAEN
Shared Care Scotland
Thistle Foundation
Values into Action

Local Authorities

Aberdeen City
Aberdeenshire
Angus
Argyll and Bute
City of Edinburgh
Clackmannanshire
Comhairle nan Eilean Siar
Dumfries and Galloway
Dundee City Council
East Ayrshire
East Dunbartonshire
East Lothian
East Renfrewshire
Falkirk
Fife
Glasgow
Highland
Inverclyde
Midlothian
Moray
North Ayrshire
North Lanarkshire
Orkney
Perth and Kinross

Renfrewshire
Scottish Borders
Shetland
South Ayrshire
South Lanarkshire
Stirling
West Dunbartonshire
West Lothian

Health Boards

NHS Ayrshire & Arran
NHS Borders
NHS Dumfries & Galloway
NHS Fife
NHS Forth Valley
NHS Grampian
NHS Greater Glasgow & Clyde
NHS Highland
NHS Lanarkshire
NHS Lothian
NHS Orkney
NHS Shetland
NHS Tayside
NHS Western isles

Other Key Interests

Association of Directors of Social Work
Convenor of Health and Sport Committee
CoSLA
Equality and Human Rights Commission
Mental Welfare Commission
MEPs
Scottish Commission for the Regulation of Care
Scottish Social Services Council
SG Legal Deposit Library
Social Work Inspection Agency
SPICE

THE SCOTTISH GOVERNMENT CONSULTATION PROCESS

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses⁴. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (eg, analysis of response reports) can be accessed at: Scottish Government consultations (<http://www.scotland.gov.uk/consultations>)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence. While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

<http://www.scotland.gov.uk/consultations>

A Consultation on the future use of resources devolved following the UK Government's decision to close the Independent Living Fund (August-November 2013)



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Forename

2. Postal Address

<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
Postcode	Phone	Email

3. Permissions - I am responding as...

Individual	/	Group/Organisation
<input type="checkbox"/>		<input type="checkbox"/>
Please tick as appropriate		

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes No

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

CONSULTATION QUESTIONS

Question 1

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

Comments

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?

Comments

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?

Comments

Question 4

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

Comments

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?

Comments

Question 6

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

Comments

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.

Comments



**The Scottish
Government**
Riaghaltas na h-Alba

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