



28th October 2013

Agenda Item: 9

**REPORT OF THE SERVICE DIRECTOR FOR PERSONAL CARE AND
SUPPORT – YOUNGER ADULTS**

CLOSURE OF THE INDEPENDENT LIVING FUND

Purpose of the Report

1. To provide members with an update report about the progress made in transferring the Independent Living Fund (ILF) to the Local Authority in April 2015, and to request approval for a request to be made to the Finance and Property Committee for a contingency fund to be established to ensure the department has sufficient funding at the point of transfer.

Information and Advice

2. Following a consultation period by the Government on the future of the ILF, on the 18 December 2012 the Minister for Disabled People announced the Government's decision that on 31 March 2015 the ILF will close. From that date funding will be devolved to local authorities in England who will have sole responsibility for meeting the eligible care and support needs of ILF users.
3. In Nottinghamshire there are 194 ILF users of which 37 were in receipt of ILF before 1993 and are classified as group 1 users. Some of the group 1 users may not be known to our Local Authority. All post 1993 ILF users (Group 2) will be receiving Adult Social Care services alongside their support from the ILF. The majority of Group 2 users will fall to the Learning Disabilities or Physical Disabilities teams in Younger Adults. As at April 2013 only 13 ILF clients are now over 65 years old and would be supported by the older people's teams.
4. The Department for Work and Pensions conducted a review of the ILF. Devolving ILF funding to local authorities will help to streamline the assessment process. ILF recipients will in future only receive one assessment and will have all their social care needs met by the Local Authority. The funding will not be ring fenced and local authorities will be given the responsibility to fund their core services in line with statutory responsibilities and local priorities. The current value of the ILF funding provided to users in Nottinghamshire is £3.5 million per annum.
5. The ILF has a Transfer Review Programme and is conducting joint reviews with all ILF users during the period April 2013 to September 2014. Nottinghamshire County Council is committed to having a member of the Adult Social Care team attend these reviews.

6. During the period April to August 2013 approximately 70 joint reviews have been carried out in Nottinghamshire. A sample of 22 cases in the Physical and Learning Disability teams have been reviewed by Team Managers to determine the level of support that would be provided following the Council's Eligibility and Fair Access to Care Services Policy.
7. In 16 of the 22 cases, the service user would receive the same level of support under the Council's policy and therefore, the total ILF funding is required to meet these service user's needs. In three of the cases, the Local Authority would be applying for Continuing Health Care funding to meet needs but without this support, the total ILF funding would also be required. In two cases, the Local Authority may wish to review the current level of funding, and there was only one case where the service user would no longer be eligible for support in some areas.

Financial Assessments

8. Currently ILF recipients pay a contribution to the ILF towards their support and do not therefore pay contributions to the Local Authority for their personal budget. Under the County Council's Fairer Contributions Policy, all ILF Users will be assessed during the last 6 months of the Transfer Review Programme and may have to contribute towards the cost of their care from April 2015. The Adult Care Financial Services team hold financial data for 82 ILF users. The potential County Council contribution for these ILF users will be lower than the current amount they pay to the ILF amounting to a shortfall of £222,000 per annum. If this position is extrapolated to include the full 194 recipients, this could represent a potential shortfall of £0.5 million per annum.
9. Therefore, following this analysis, the Council intends to offer all ILF recipients an opportunity to have an early financial assessment to determine what level of contribution they would be entitled to make when their funding transfers to the authority from April 2015.
10. Whilst we expect that the full amount of ILF will be transferred to the Authority, the Council will experience a budget pressure following the ILF transfer from central Government due to the reduced level of contributions from recipients. In order that the department has sufficient funding from 2015, it is suggested that contingency funding is identified which can meet the shortfall until such time as the department has had the opportunity to review the recurrent commitment.

Other Options Considered

11. The transfer of ILF funding to local authorities has been determined by Government as a national policy change and therefore there are no other options available to the Council.

Reason/s for Recommendation/s

12. The recommendations will ensure that the Authority's medium term financial plan includes sufficient funding to meet the needs of the people whose ILF funding is to be transferred.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public sector equality duty,

safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for service users

14. Service users will be reviewed by the Council to ensure that their social care needs are met after the ILF closure. It is estimated that less than 5% of ILF users will no longer be eligible for support in some areas.

Financial Implications

15. In order to ensure that the department has sufficient funding to meet the needs of ILF recipients, a contingency fund of £0.5 million will be required from 2015. This is in addition to the ILF funding which will be transferred from central government to the Authority.

RECOMMENDATION/S

It is recommended that the Adult Social Care and Health Committee:

- 1) Acknowledge the reviewing of all Independent Living Fund users in Nottinghamshire adopting the County Council's Personal Budgets Reviewing Guidance.
- 2) Approve the undertaking of financial assessments of all current Independent Living Fund recipients.
- 3) Approve the request to the Finance and Property Committee for a contingency fund to be established to cover the anticipated shortfall in funding following the transfer in April 2015.

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Constitutional Comments (LM 11/10/13)

16. The Adult Social Care and Health Committee has delegated authority within the Constitution to approve the recommendations in the report.

Financial Comments (KAS 17/10/13)

17. The financial implications are contained within paragraph 15 of the report.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- a. Policy document 'Eligibility and Fair Access to Care Services (FACS)' dated 14/11/2012
- b. Staff Guidance document 'Personal Budgets Reviewing Guidance' dated 13/3/2013

Electoral Division(s) and Member(s) Affected

All.

ASCH161

Results from analysis of 22 ILF Service Users receiving Adult Social Care support

Case No.	ILF Support	ILF Amount	NCC Support	NCC amount	Continuing Health Care	Recommendation
1	11.5 hours covering 2 carers in evening, 2 hours cleaning and 3.5 hours social time (same agency as NCC),	£69.05	Agency rate - 42 hours personal care (2 carers) plus one day at day centre	£582.95	0	NCC and ILF jointly paying for same agency to provide personal care - 2 carers. Total ILF funding needed
2	34.5 hours support (some at 15.50ph)	£435.70	103.5 hours at DP rate (some at 15.50ph)	£1,560.33	0	Review £15.50 rate paid to Reach external agency for 52 hours support. Most of ILF award needed
3	Part towards live in PA	£465.30	contribution to live in PA and 6 hours in community	£382.91	0	NCC need full ILF monies to meet live in PA rate of £914.35 (which could not be cut)
4	30 hours of support	£337.40		£559.28	0	In supported Living - part funded by ILF. Total ILF funding needed
5	contribution towards total 84 hours personal care	£147.28	84hours personal care during day and 4 overnight stays funded by CHC, NCC and ILF	£367.92	£858.45	Would need full ILF funding to provide support
6	23 hours	£133.01	employ 2 PAs to cover all personal care	£365.08	£0.00	Total ILF funding needed
7	Covers part towards PA support	£351.75		£236.60	837.9 (7 waking nights)	Change to CHC costs from May 13 but total ILF funding needed
8	contribution towards total 54 hours plus 7 sleep ins	£461.77	Total package = 44 hours at £9.00: 10 hours at Sunday rate £13.30 and 7 sleep ins	£418.50	0 (application in process)	CHC may cover some of the support but without this, total ILF money needed
9	23 hours (extra personal care, meals,	£182.35	25.5 hours (15.75 personal care	£232.05	£0.00	None of ILF funding needed as NCC would not cover extra cleaning and social time

	cleaning and social time		am/eve; 3 hrs cleaning, 4 hours community, 2.75 hrs meal prep and parenting)			
10	25hrs@ £9 ph; 8 hours @£13.30 (Sunday) and 5hrs@£14.92 (agency rate)	£385.44	10 Thera day sessions (external daycare)	£369.90	£0.00	NCC paying for external day care and ILF covering PA and agency support. Total ILF funding needed
11	26 hours towards needing 3 carers 4 times per day	£312.90	32.75 hours @ £16.01 and 2 days daycare @ £22 per day	£590.40	£0.00	NCC would need ILF monies to meet service user needs of 3 carers 4 times per day (total 61.5 hours). Total ILF funding needed
12	50hours (joint funding with NCC)	£451.56	50 hours (joint with ILF)	£415.03	£1,023.16	User needs 100 hours daytime care (jointly funded by ILF/NCC) and CHC to cover night sits. Total ILF funding needed
13	30 hours (25 midweek and 5 on Sunday)	£194.95	25 hours personal care	£232.60	£0.00	Total 55 hours split NCC and ILF. SU needs support throughout the day. Total ILF funding needed
14	contribution towards supported living costs (one to one)	£418.34	One to One support needed (supported living) and Barncroft Day Centre	£1,413.32	378.75	CHC pay 60% of supported living costs and a request has been made to increase the cover but without this, total ILF funding needed
15	42hrs @£9.10 and 7 hours @ £13.30	£376.25	24hours @£9.10 and 4hours @ £13.30	£271.60	0	Service User needs support all day and NCC would need full ILF money to meet needs 11 hours per day
16	PA Support	£372.00	day service and short breaks	£352.00	£0.00	Service User needs 1 to 1 support due to learning disability and visual impairment and total ILF funding needed
17	48 hours at £9.10 and 8.5 hours at £13.30	£450.80	24 hours @ £9.10; 3 hours at £13.30 and 2 days at day centre	£329.25	0	NCC would need full ILF money to meet needs
18	31.75 hrs Mon to Friday and 14hours Sunday		59 hours support at PA rate	£543.38	201.90 (nightcare)	NCC would need full ILF money to meet needs

19	payment towards Karvonettes external agency to cover 24 hour support	£439.85	NCC paying Karvonettes external agency to cover 24hour support	£1,160.25	0	Total ILF funding needed to maintain same cover with external agency (service user unwilling to have a live in PA)
20	45mins for 7 mornings (5.25 hrs) 4 hours lunchtime and 3 overnight sleep ins	£355.61	14 hours am, 3 hours lunchtime, 7 hours evening, 7 hours teatime, 2 hours community and 4 overnight sleep ins	£782.62	0	NCC will need ILF payments to meet current needs but as service user has nightcare, CHC funding should be applied for when review carried out
21	payment towards jointly funded support with NCC and Health	£425.63	3 Pas support 24x7 which is funded by ILF, NCC and Health	£424.53	£424.05	Service User needs 3 PAs to cover 24x7 care and total ILF funding is needed
22	32 hours at £13.50	£408.38	5 days of daycare	£76.53	0	Review PA rate paid by ILF but most of ILF funding needed