

1 December 2014**Agenda Item: 13**

REPORT OF THE SERVICE DIRECTOR SOUTH NOTTINGHAMSHIRE UPDATE ON THE INDEPENDENT LIVING FUND

Purpose of the Report

1. To provide members with an update report regarding the current position of the Independent Living Fund (ILF).

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 would close. From that date funding would be devolved to local authorities in England who would have sole responsibility for meeting the eligible care and support needs of ILF users.
3. A Committee report was presented to Adult Social Care and Health on 28 October 2013 recommending approval for a request to be made to the Finance and Property Committee for a contingency fund to be established to ensure the department had sufficient funding at the point of transfer
4. On the 6 November 2013, the Court of Appeal quashed the government's decision to close the ILF. All activity relating to the Transfer Review Programme was cancelled, which included all joint transfer review visits.
5. A Committee report was presented to Adult Social care and Health on 3 February 2013 advising the committee of the Court of Appeals decision. This report advised that the contingency fund would not be required.
6. The Minister for Disabled People announced on 6 March 2014 that the closure of the ILF was re-instated, but scheduled for 30 June 2015 as opposed to the end of March 2015.
7. In Nottinghamshire there are 174 ILF users of which 32 were in receipt of ILF before 1993 and are classified as Group 1 users. Of these 32 Group 1 users 27 have an additional care package funded by NCC. All post 1993 ILF users have to receive Adult Social Care funding.

8. The total current value of ILF funding is £3.14 million per annum. This diminishes as people die or lose their award due to being admitted to long term care.
9. Each person in Nottinghamshire has been reviewed by the ILF and in 80% of cases NCC officers were present and have been a party to the support plan.
10. The ILF will transfer in full its net expenditure and will advise Nottinghamshire County Council as at 31 December 2014, 31 March 2015 and 30 June 2015.
11. This transfer will for the same reasons detailed in Committee paper dated 28 October 2013 create a budget pressure for the Council. The differences in the way that ILF require a personal contribution and the regulations contained in the Council's Fairer Contributions Policy amount to a shortfall of approximately £0.5m in 2015/16 and £0.7m thereafter.
12. This shortfall could be exacerbated by April 2016 when contributions are determined in accordance with Care Act regulations. A significant proportion of recipients of ILF may become "zero" contributors.
13. It is suggested that contingency funding is identified to meet the initial shortfall of £0.5m.
14. Community Care Assessments and Financial Assessment are required in advance of the transfer to provide continuity of care for eligible need.
15. The "spike" of work required to complete social care and financial assessments for 174 people in such a tight timeframe exceeds what can be undertaken by existing resources. It is necessary to deploy some short term staffing to complete this work.
16. It is advised that Adult Care Financial Services will require 12 weeks of a scale 5 worker to visit all the ILF recipients in January to March 2015. Financial Assessments will be undertaken; staff will check benefits, explore Direct Payment options and advise on options.
17. It is further advised that an additional two Scale 5 Community care Officers will be needed for 16 weeks, January – April to undertake social care assessments. These staff will be deployed according to pressure points, as the distribution of ILF recipients is not level across younger and older adult teams.
18. The Social Care Assessments and support plans will ensure that ILF recipients are provided care in an equitable manner compared to non-ILF service users.

Other Options Considered

19. No other options have been considered.

Reason/s for Recommendation/s

20. This is an update for the Adult Social Care and Health Committee

Statutory and Policy Implications

21. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), 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

22. Service users will be reviewed by the Council to ensure their eligible needs are met after the ILF closure.

Financial Implications

23. 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.

24. 12 weeks Scale 5 based on spinal column point 28 costing £7,600 plus £1,000 travel expenses to be funded from the forecast underspend in 2014/15

25. 16 weeks x2 CCOs Scale 5 based on spinal column point 28 costing £20,159 plus £1,000 travel expenses to be funded from the forecast underspend in 2014/15.

RECOMMENDATION/S

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

- 1) 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 June 2015
- 2) approve the request for temporary funding for additional assessment capacity
- 3) approve the undertaking of Community care and Financial assessments of all current ILF recipients.

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Constitutional Comments (LM 21/11/14)

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

Financial Comments (KAS 24/11/14)

27. The financial implications are contained within paragraphs 23 to 25 of the report.

Background Papers and Published Documents

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.

- ASCH161 Closure of the Independent Living Fund, dated 28th October 2013
- ASCH 184 Update on ILF dated 6 January 2014.

Electoral Division(s) and Member(s) Affected

- All.

ASCH275