

	<h2>Adults and Safeguarding Committee</h2> <h3>7 March 2016</h3>
<p style="text-align: right;">Title</p>	<p>The Independent Living Fund Transfer: Update Report</p>
<p style="text-align: right;">Report of</p>	<p>Jon Dickinson, Assistant Director, Adults and Communities</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	
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<h2>Summary</h2>	
<p>A report was presented to the Adults and Safeguarding Committee on 23 April 2015 about the closure and management of the Independent Living Fund transfer. At this meeting the Committee requested a follow up report regarding the outcome of care reviews after the transfer.</p> <p>Since the last report, social care practitioners have undertaken a review of care needs of those individuals whose Independent Living Fund was transferred to the Council. These reviews focused on meeting care needs in accordance with the Care Act 2014. Following these reviews, individuals now have a single personal budget from social care that incorporates all elements needed to meet their eligible needs.</p>	
<h2>Recommendation</h2>	
<p>1. That the Adults and Safeguarding Committee note the contents of this report.</p>	

1. WHY THIS REPORT IS NEEDED

1.1 Legislative Background

The Independent Living Fund was established in 1988 to provide for discretionary cash payments to meet the needs of people with high care needs. These payments were administered by the Department for Work and Pensions. The Government closed the Independent Living Fund with effect from 30 June 2015. Responsibility for meeting care needs was transferred to councils along with funding with effect from 1 July 2015.

1.2 The transfer of the Independent Living Fund in Barnet

1.2.1 At the time of the transfer, information provided by the Independent Living Fund showed that there were 90 people living in the borough of Barnet who were receiving payment from them. The total gross value of Independent Living Fund payments received by people living in Barnet was circa £1.8m over a full financial year. The net value of these payments was circa £1.6m (after deducting client contributions). In addition to Independent Living Fund Payments the majority of recipients had been assessed as eligible for a social care personal budget, collectively worth £1.8m a year.

1.2.2 Prior to the transfer both the Department of Health and Independent Living Fund provided guidance to all councils on how the transfer should be managed.

1.2.3 Before the transfer, the Council consulted all recipients of Independent Living Fund payments on a number of proposals to manage the transfer. The consultation focused on three main areas; care assessments; financial assessments; and a transitional protection scheme to enable people to plan their future care arrangements after the transfer. These proposals formed the basis of the recommendations which were approved by the Adults and Safeguarding Committee.

1.2.4 At its meeting on 23 April 2015, the Adults and Safeguarding Committee approved the following:

- That the care needs of former Independent Living Fund recipients be assessed in accordance with Barnet Council's care eligibility criteria for adults with care needs as set out in the Care Act 2014 and associated statutory guidance.
- That the financial contributions towards care are assessed in accordance with Barnet Council's Fairer Contributions Policy. Independent Living Fund transferees would be assessed in accordance with the Council policy on assessing contributions towards community based services.
- That a six month transitional protection scheme be in place for transferees who may have a change in the amount they receive as a personal budget to meet care needs following a care needs assessment by a social care worker.

1.3 The management of the transfer in Barnet

- 1.3.1 All Independent Living Fund recipients were contacted by the Council before the formal transfer to the local authority. They were provided with information about how the transfer would be managed, the payment process, the care and financial review process, and where they could obtain independent advice.
- 1.3.2 The localised transfer of the Independent Living Fund in Barnet was managed within the Adults and Communities delivery unit. A team of social care practitioners were responsible for contacting people to undertake a review of care needs. Where appropriate, carers and advocates were contacted as part of the review process. The customer finance team was responsible for assessing contributions and the processing of payments.
- 1.3.3 Care reviews focussed on assessing eligible care needs to understand how individuals had arranged their support with funding from both the Independent Living Fund and social care. Where necessary, a multi-disciplinary approach was adopted to maximise the social care outcomes. For example, social care practitioners offered referrals to the Barnet Centre for Independent Living peer brokerage service who assisted people with planning better, alternative ways of providing support to meet outcomes.
- 1.3.4 It was identified that 83 of the 90 people who transferred needed to be reviewed in accordance with the policy for managing the transfer in Barnet. For the remaining seven cases, reviews were not undertaken for reasons outlined in the table below.

Table 1: Independent Living Fund transferees:

	Number
Independent Living Fund transferees requiring a review	83
Moved out of the borough	1
Deceased	3
Residential care needs	1
Receive continuing health care funding	2
Total	90

1.3.5 The outcome of care reviews following the transfer

- 1.3.6 The conditions for receiving payments from the Independent Living Fund were different from the national social care eligibility criteria for councils. Personal budgets were reviewed to ensure that care needs and support plans were in accordance with statutory guidance issued under the Care Act 2014. Social care workers undertook a planned schedule of care reviews to re-assess care needs.

- 1.3.7 During these care assessments alternative ways of providing care were discussed which delivered better outcomes for individuals. Where appropriate, this has included supporting people to use telecare and other forms of technology to promote greater independence and less dependency on carers. For example, using online shopping rather than paying a carer to do shopping.
- 1.3.8 Of the 83 individuals requiring a review, 78 have had their reviews completed and five are currently in the process of being reviewed.
- 1.3.9 Personal budgets were revised following these reviews and where appropriate adjustments made to the level of personal budget. From the 78 people whose care needs were reviewed there were:
- 51 people whose overall personal budget remained the same;
 - 26 people whose personal budget has been reduced;
 - 1 person whose personal budget was increased after the care review (increased by £9,600 pa).
- 1.3.10 Changes in the level of funding paid through a personal budget were mainly due to the differences in the eligibility criteria and types of care that can be paid for by the Independent Living Fund and the Council.
- 1.3.11 Following a reassessment the overall reduction in personal budget needed to meet care needs was £197,000 per year.

Table 2: Breakdown of changes in personal budgets following a care review

Percentage decrease	Number	Average value of personal budget per person	Average reduction
0-10	8	£944.03	£64.43
10-20	9	£698.08	£103.58
20-30	5	£742.11	£193.18
30-40	1	£492.82	£171.04
40-50	2	£558.14	£258.89
50+	1	£1297.00	£681.11

- 1.3.12 This includes examples of personal budgets being reduced where care funding provided by the Independent Living Fund did not meet the Council's eligibility criteria. For example, a service user receiving payments from the Independent Living Fund to meet night time care needs which no longer existed.
- 1.3.13 Under the transitional protection scheme any reduction in a personal budget would not come into effect until six months after the person being notified. The purpose in transitional protection was to give people sufficient time to make adjustments to their care arrangements.

1.3.14 The Independent Living Fund assessed contributions towards the costs of care differently from councils. After the transfer all recipients were financially assessed in accordance with Barnet Council's Fairer Contributions Policy. Following a financial assessment the overall average contribution per person was reduced from £65.00 to £40.50 per week. This represents an overall reduction of £115,000 per year in contributions.

2. REASONS FOR RECOMMENDATIONS

2.1 The Adults and Safeguarding Committee is recommended to note the contents of this report further to its request for an update at its meeting on 23 April 2015.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

4.1 Following the Committee meeting, the Adults and Communities delivery unit will continue to complete the last of the reviews. Individuals will transition to new personal budgets and support plans as the transitional period comes to an end.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The transfer of Independent Living Fund supported the delivery of the following 2015/20 Corporate Plan priority outcomes:

The Council, working with local, regional and national partners will strive to ensure that Barnet is the place:

- of opportunity, where people can further their quality of life
- where people are helped to help themselves
- where responsibility is shared fairly
- where services are delivered efficiently to get value for money for the taxpayer.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The Independent Living Fund function and associated funding provided by the Department for Work and Pensions was transferred to the Council from 1 July 2015. The amount that was transferred for 2015/16 was £1,165,778 (balance of funding from 1 July 2015 to 31 March 2016 - the equivalent of £1,554,371 full year effect). The Department for Local Government and Communities is

currently consulting on the future funding arrangements and their consultation document refers to the Council receiving funding of:

	2016/17	2017/18	2018/19	2019/20
Amount	£1,476,044	£1,427,439	£1,382,360	£1,340,371

5.3 Social Value

5.3.1 Not applicable in the context of this report.

5.4 Legal and Constitutional References

5.4.1 Under the Care Act 2014 there is a requirement to assess care needs in accordance with a national eligibility threshold. The Department of Health also set statutory guidance which all councils in England are required to follow.

5.4.2 Sections 23.26 to 23.40 of the statutory guidance set the framework within which the transfer of the Independent Living Fund had to be managed. When managing the transfer the Council followed the statutory guidance.

5.4.3 The responsibilities of the Adults and Safeguarding Committee are contained within the Council's Constitution - Section 15 Responsibility for Functions (Annex A). Specific responsibilities for those powers, duties and functions of the Council in relation to Adults and Communities including the following specific functions:

- Promoting the best possible Adult Social Care services.
- Work with partners on the Health and Well-Being Board to ensure that social care interventions are effectively and seamlessly joined up with public health and healthcare, and promote the Health and Well-Being Strategy and its associated sub strategies.
- Ensuring that the Council's safeguarding responsibilities are taken into account.

5.5 Risk Management

5.5.1 The Independent Living Fund transfer was managed by an operational team within the Adults and Communities delivery unit. Social care practitioners in the locality and learning disability teams had responsibility for ensuring that people continued to receive the level of care funding necessary to meet their assessed care needs. The financial impact was monitored operationally by the customer finance team within the Adults and Communities delivery unit. The strategic financial risks associated with the transfer were monitored by Customer and Support Group Finance.

5.6 Equalities and Diversity

5.6.1 On 1 October 2012, new provision in the Equality Act 2010 came into force banning age discrimination in health and social care. This is in line with the duties incumbent on all public bodies through s149 of the Equality Act 2010 to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups

5.6.2 Adults and Communities works within London Borough of Barnet's policy framework for equalities. Adults and Communities offers services to users within this framework, and undertakes relevant action to ensure social care is accessible to groups with different equalities characteristics; for example producing easy read information for people with learning disabilities and offering interpreters for service users.

5.6.3 Age discrimination should be considered broadly: younger people may perceive that older people receive more favourable treatment from services as well as older people perceiving that they are less favourably treated. The perception does not mean that all age groups should therefore be offered identical support or services. However, it does require the local authority to have a transparent and fair rationale for different approaches or support offered to different age groups, which target need, just as it already does for current positive action in place, such as providing interpreters.

5.6.4 There is a general risk applicable to all local authorities, which may face an increased level of potential legal challenge from individual users or groups, who challenge on the grounds that the council has failed to pay due regard to equalities under the Public Sector Equality Duty. Nationally there have been legal challenges based on equalities legislation: for example the 2011 challenge to Birmingham City Council on its proposed change to its adult social care eligibility criteria.

5.6.5 The mainstreaming of care and financial assessments for Independent Living Fund service users ensured that transferees were treated in the same way as other people with assessed care needs.

5.6.6 An Equalities Impact Assessment was undertaken on the transfer of the Independent Living Fund.

5.7 Consultation and Engagement

5.7.1 Not applicable to this report. The proposals on the management of the transfer were subject to a separate public consultation and approved by the Adults and Safeguarding Committee on 23 April 2015.

5.8 Insight

5.8.1 Insight data is not applicable in the context of this report.

6. BACKGROUND PAPERS

6.1 The Care Act 2014 at:

http://www.legislation.gov.uk/ukpga/2014/23/pdfs/ukpga_20140023_en.pdf

6.2 The Care Act 2014: statutory guidance for implementation at:

<https://www.gov.uk/government/publications/care-act-2014-statutory-guidance-for-implementation>

6.3 Funding local authorities to support former Independent Living Fund recipients (consultation):

<https://www.gov.uk/government/consultations/former-independent-living-fund-recipient-grant>

6.4 The Independent Living Fund Transfer, Adults and Safeguarding Committee, Thursday 23rd April 2015

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=698&MId=7934&Ver=4>

6.5 Adults and Safeguarding Committee meeting, 25 April 2015, minute 8 “the Independent Living Fund Transfer”.

<http://barnet.moderngov.co.uk/documents/g7934/Printed%20minutes%2023rd-Apr-2015%2019.00%20Adults%20and%20Safeguarding%20Committee.pdf?T=1>