

Policy and Practice Circular

Document No 01/16

Owner: Head of Policy/Head of Social Work

Subject: Joint Working Health and Social Care Partnerships/Trusts and
ILF Scotland

Version: 1 of 1

07 December 2016

1.0 Background

ILF Scotland policies 24 and 25 are the main policies outlining the sustained partnership working and funding that underpins all Group 2 awards. These policies can be accessed here: -

<http://ilf.scot/wp-content/uploads/2016/04/24-Local-Authority-Input.pdf>

<http://ilf.scot/wp-content/uploads/2016/04/25-Local-Authority-Threshold-Sum.pdf>

The key points from these policies and how ILF assessors will interpret compliance with these policies are outlined in this circular.

ILF awards for Group 2 recipients are in place at their request, and with the full support of Health and Social Care Trusts/Partnerships (Trust/Partnerships). This support is evident through the latter's on-going financial commitment and care management of the individual's jointly funded support package.

An ILF award tops up what the Trust/Partnership delivers and does not substitute, replace, or assume the assessment responsibilities and duties of provision that fall to Trusts/Partnerships to discharge.

ILF awards exist to complement the statutory provision of Trusts/Partnerships. Awards are additional to statutory supports and are not intended to be the majority source of funding in any individual's support plan.

There are no circumstances where the ILF Group 2 scheme intends to be the major source of social care support in a person's life.

Trusts/Partnerships may also have responsibilities for Group 1 ILF recipients. ILF Scotland provides financial awards to Group 1 recipients in line with policy. However, the person may remain in unmet need, and the duties of relevant health and social care legislation still apply to Group 1 recipients.

2.0 Partnership Working

ILF Scotland formally reviews awards every two years, ideally in collaboration with funding partners. Our aim is to ensure that awards continue to be used appropriately, remain focused on independent living outcomes and that collaboration with partners produces maximum benefit for fund recipients.

This on-going shared assessment and shared financial commitment is vital to the safe and continuing delivery of ILF awards. A number of ILF Scotland policies direct options for ILF awards to be adjusted to better meet changing need.

2.1 Increase in care need or cost

Increases to ILF Scotland awards are agreed in line with policy 18. Any increase requests, when recommended by ILF assessors, will be considered in line with policy 18.

However, ILF Scotland does not consider the fund to be responsible for a fixed component of a support plan. An ILF award cannot therefore be considered as a fixed asset. Rather, at each review a new joint support plan may be negotiated based on a re-assessment with an ILF award agreed at a level deemed appropriate by ILF Scotland to fit the particular individual circumstances.

Policy 24 also states that ILF Scotland will not consider any increase in care provision until the relevant authority input has been restored to previous levels before any decrease (cash or hours). The previous level means the level last notified to ILF Scotland or mutually agreed at the last ILF review, whichever is the most recent.

2.2 Decrease in care need or costs

Best practice requires that ILF Scotland must be involved in any review where an ILF award is in place and where a 'person's care arrangements alter significantly'.

If a local authority assess an ILF Scotland award recipient as requiring more or less overall support than the level last notified to ILF Scotland or mutually agreed at the last ILF Review, whichever is the most recent, then this is considered a significant change.

Trusts and Partnerships should not alter their input to a shared support plan without consultation with ILF Scotland and should expect to share any cost reductions, judged by partners as appropriate.

2.3 Local Authority Threshold Sum

Group 2 recipients require the full support of Trust/Partnerships. ILF assessors will establish that the appropriate threshold sum is in place to evidence this support and will also seek evidence that the ILF awards is indeed complementary to statutory provision by Trusts/Partnerships

- The relevant threshold sum is initially the sum set at application, and subsequently is any sum established in practice by the Trusts/Partnerships as understood by ILF Scotland through its interpretation of its policies.
- These sums must be maintained by Trusts/Partnerships for each individual ILF recipient at all times as Qualifying Support and Services(QSS). ILF Scotland assessors will always look for evidence that the relevant and particular threshold level for every individual is met, and will always require a representative of the relevant Trusts/Partnerships to sign a declaration to this effect.
- Although the threshold sum can change for any individual, depending on circumstance, an ILF award will not automatically be maintained should the Trust/Partnership contribution fall to the application threshold level.
- If the threshold sum is no longer met then eligibility for the ILF award is wholly lost from the time of the reduction below the minimum threshold.
- In this event, ILF Scotland may invoice the relevant partner for the recovery of an ILF overpayment to the recipient.
- ILF Scotland will not normally take over any funding previously paid for by the Trusts /Partnerships (cash or hours). If a Trust/Partnership reduces their input it cannot be presumed that ILF will fund the element lost to the package by the reduction.

- ILF Scotland will attach requirements to the maintenance of its own awards as deemed appropriate by its assessment, particularly in relation to ensuring an independent living focus and a proportionate and appropriate balance of funding between partners.
- ILF Scotland assessors, at reviews, will consider details of care plans to ensure that there is no shift of responsibility for meeting a QSS from Trusts/Partnerships to ILF Scotland. Any shift to ILF Scotland of tasks previously paid for by a Trust/ Partnership will not normally be agreed.

Over the course of last year ILF Scotland has had on-going comment from fund users, care managers and assessors that there was inconsistency and a lack of clarity around the expectation of ILF Scotland of local authority input to joint supports.

This circular is intended to address this issue by clarifying our practice around Policies 24 and 25. This circular will have no effect on the vast majority of joint reviews where flexible, negotiated supports will continue to be agreed.

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