

Co-Production Working Group Meeting 3

Wednesday 22 November 2023 – 3pm to 5pm

Online via Microsoft Teams

In Attendance:

Peter Scott, ILF Scotland (Co-Chair)

Iain MacAllister, Scottish Government (Co-Chair)

Calum Macaulay, Glasgow Centre for Inclusive Living

Andy Higgins, ILF Scotland Advisory Group

Fiona Collie, Carers Scotland

Sam Smith, CCPS

Fran Holligan, COSLA

Tressa Burke, Glasgow Disability Alliance

Pauline Nolan, Inclusion Scotland

Gaby Nolan, Lothian Centre for Inclusive Living

Donald Macleod, Self-Directed Support Scotland

Cameron Smith, Scottish Commission for Learning Disability

Jenny Miller, PAMIS

Andy Miller, Scottish Commission for Learning Disability

Oonagh Brown – in attendance for Jan Savage, Scottish Human Rights
Commission

Present:

Robert Peterson, Scottish Government
Steven Hanlon, Scottish Government
Lauren Glen, Scottish Government
Jack Blaik, Scottish Government
Amelia Andrzejowska, Scottish Government
Linda Scott, ILF Scotland
Harvey Tilley, ILF Scotland
Erika Mather, ILF Scotland

Apologies Received:

Jim Elder-Woodward, ILF Scotland Advisory Group
Donna Murray, Social Work Scotland
Laura Kerr, Social Work Scotland
Lyn Pornaro, Disability Equality Scotland (joined at 4pm)

Item 1: Welcome

The Chair thanked all for attending the third meeting of the ILF Co-Production Working Group and shared apologies received.

Item 2: Declarations of Interest

None declared.

Item 3: Minutes of Previous Meeting

Minutes were circulated with set of papers in advance of this meeting. The group was content to approve.

Item 4: Matters Arising and Actions

No matters raised at this stage.

Actions from the previous Co-Production Working Group (meeting 2) complete and/or to be addressed at this meeting.

In response to the action on providing implications of removing age limits in the re-opened fund, these were included in paper 8 and will be discussed today. However, it was emphasised that the paper only provides insight into having no upper age limit. In terms of including children below 16 years of age, there are significant challenges in obtaining data on care packages. Hence, it was not possible to provide for today's meeting information into the impact of including children in the re-opened fund.

Also, the policy and legislative landscape for children is very different and consideration of this would have to be given to the design of the fund if under 16s were to be admitted. Therefore, a significant risk was indicated that this would not be possible in our given timescales and inclusion of children would most likely lead to a delay in the re-opening.

It was underlined that this group is free to make the recommendation on age as they deem appropriate but given the above complexities and risk of delay they group agreed that it would be best to think about inclusion of children over time as an ongoing development.

Suggestions to the draft engagement plan from the group members were incorporated in the Communications and Engagement Plan which was shared via email on Friday 17 November, further update to be provided during agenda item 7.

Item 5: Co-Production Check In

Apologies issued for the delay in finalising the Easy Read version of Paper 8. The turnaround time is very rapid, and DES as well as other organisations had no capacity to transfer the long and complex document ahead of today's meeting. DES have set aside time in December specifically for ILF Scotland translation so there is hope that there will be no issues in the future.

One to one meeting offered to anyone who feels that they would benefit from such support.

Challenges in terms of the pace of the re-opening process were recognised.

Item 6: Threshold Sum / Maximum Award

A summary of key issues from paper 8 was provided and a request was made to the group members to focus today on determining the route via which access to the re-opened fund can be offered. It was emphasised that, together with age limits, maximum award and threshold sum were historically considered within the ILF framework as the primary cost control measures. They have been seen as a transparent and straightforward mechanism, accepted by DPOs for prioritising recipients with complex needs.

Group members discussion included:

- The view was voiced that the current social care system does not reflect disabled people's needs and lacks consistency so better to introduce at least a variation to the threshold to support independent living through a human rights-based approach instead of replicating the current system.
- The need for compromises was acknowledged, as we are not able to address all issues at present, but group agreement is needed on what compromises we can make.

- It was recognised that the use of a threshold is crude and differences in practice in local authorities across the country are significant. People with the same level of need may have access to a different level of support. An accounting system could be used to mitigate these differences in practice.
- The closed fund uses the threshold mechanism and the group task is re-opening this fund, not designing a completely new one. Consideration can be given, however, if there are other ways to target those with the most complex needs or the greatest barriers to independent living.
- Comments were shared regarding recommendation included in the Feely Review of using £600 as a revised figure for threshold. It was noted that this threshold was broadly consistent with the threshold at time of closing updated for inflation. Furthermore, the Feely Review underestimated costs as it was based on data available at PHS which has been found to be inconsistent with data subsequently gathered directly from LAs.
- The group discussed the possibility of taking account of unpaid carers if the threshold sum is used to determine access to the re-opened fund. It was emphasised that often unpaid carers are disabled themselves and often have characteristics such as being female or older in age, and are therefore at a greater risk of not getting the support they need.
- The practice of applying a deflator was discussed, and the view was expressed that it is impacting unpaid carers and leading to unfairness. Often family members are acting as carers and providing the care needed as there is no other option and it results frequently in disabled people's choices being reduced, whereas the presence of a carer should enhance options.
- It was mentioned that during the discussions of the co-production working group in Northern Ireland (NI) focus was on balancing the two points: offering access to maximum number of people possible while making the award meaningful in terms of independent living. NI group suggested as a guide that the ability to purchase in the region of 10 hours or above of

regular support was considered to be meaningful in terms of potential improvement in independent living.

- How to address the cliff edge in a threshold based ILF eligibility was discussed. A stepped threshold with other adjustments would not radically redesign the fund but could allow some adjustments to make best use of resources and to support equity by accounting for unpaid care needs.
- It was suggested that we should focus on those who face the greatest barriers to independent living - a threshold can be used as an initial indication, but we should think what else we can do to make it even more targeted. Some challenges to this include: the cost of care in one area can be different than other areas and development of a way to support flexibility of spend for recipients.
- It was noted that there will always be some issues and no perfect option is available, that is why practicalities of implementations should be considered.
- ILF Scotland Assessors role and challenges were discussed, including the role of professional judgement.
- Careful communication is needed to make sure that we are not putting people off from applying who might be eligible.

Other considerations re alternatives were discussed:

- Eligibility outcome – it is an assessment framework with focus on independent living – we could develop a framework to determine who is facing the greatest barriers to independent living; ILF Scotland and the group would have to establish the outcomes and investigate further other pragmatic aspects if that model to be used.
- It was pointed out that we are timebound. Time pressures are critical for many potential ILFS applicants so we need to be pragmatic in order to re-open the fund as soon as practical in order to start getting support to disabled people as soon as possible. Suggestion was made to re-open

within planned timeframe with a simple threshold model but with the view to making a gradual change to a more rights-based approach over a period of time. This would necessitate the group meeting into 2024/25 to support this work.

- Some other potential challenges to the eligibility model were discussed: more resource intense for ILF Scotland but also some people may not like the idea of a 2nd assessment.
- Entitlement approach – has the focus on those furthest away or not accounted by the system but it was emphasised that there is no hard data behind this model. The first version of ILF has the features of that model with some markers of the entitlement included and then followed by light touch assessment. The model very quickly led to issues with sustainability and affordability hence the threshold was introduced to manage the financial implications.
- Prioritisation was added for consideration as suggestion from group members – the prioritisation of ILF recipients could be established for e.g. those experiencing barriers to independent living if wanting to leave the family home, preventing people from going to residential care, or supporting people who don't want to be in residential care settings to leave them. There would be many questions to be answered in terms of how this would fit with other elements.
- The question was posed on how the settings of independent living will be defined in the re-opened fund. Currently there is no specific definition. ILF Scotland assessors make this judgment on individual basis, however if person is in a setting which denies human rights and is contrary to the principles of independent living ILF would not be awarded.

The group confirmed that is content maintaining the threshold at this point, but the group would like to see a direction established to develop a new framework. The group thinks that the alternatives to the threshold sum suggested should be considered as there are better at addressing needs and

fit into a human rights approach. It was agreed to recommend that the threshold be used to re-open the fund in order to avoid delay. However, other mechanisms that would allow targeting of people who need the support with independent living the most in a more sophisticated way should be developed in time and as soon as practical.

It was agreed that independent living framework development to be put on the agenda in due course to discuss potential indicators.

It was confirmed that at this stage the principle of application process can be established as needing endorsement of Social Workers, who will be able to confirm the threshold level of the applicants.

Item 7: Engagement Update

An update on engagement plan indicated progress and informed about the events scheduled so far:

December:

11th: online

12th: Edinburgh in person event at the Murrayfield

14th: online

January:

16th: (provisional, checking out accessibility) in person event Stirling Court Hotel

17th: (provisional, waiting on costs) in person event P&J Live Aberdeen
In person event at the Glasgow Science Centre – dates to be confirmed –
either 22nd, 23rd or 29th

Some other venues in Inverness and Dumfries still to be considered and potentially some other targeted online events to be planned prioritising accessibility.

Thanks extended to all who supported the development of the engagement plan and securing accessible venues.

Invites via emails and distribution of letters already started.

Item 8: AOB

None raised.

Item 9: Next Meeting Arrangements

The next meeting is scheduled for 5th December and will be online via Teams.

Topics to be discussed: available income charges, additionality, and relationship with LAs.