# Issues to be discussed and questions that we will ask

The Scottish Government’s 2024 to 2025 Programme for Government makes the following commitment:

“Re-open the Independent Living Fund (ILF) on a phased basis, with an initial £9 million in 2024-25 to enable up to 1,000 additional disabled people with the most complex needs to access the support they need and deserve to live independent lives.”

We want to talk to people interested in the re-opening of the Fund to make sure we take as many people’s views into consideration as possible. We hope that by talking with and listening to disabled people, their carers and other people interested in independent living for disabled people, we will be more likely to make the re-opened ILF a success.

Thank you for your help as we work towards re-opening the Fund in April 2024.

## Qualifying for ILF (Threshold Sum)

Currently, to qualify for ILF, recipients must receive a minimum amount of money from their local authority via ‘direct payments’ /‘self-directed support’.

For most ILF recipients, this minimum amount is currently £340 per week.

The Independent Review of Adult Social Care recommended re-opening ILF with a new minimum amount of £600.

This would mean that a person would have to receive at least that amount every week to be considered for ILF.

The larger this figure is, the less people will qualify for ILF.

The smaller this figure is, the more people will qualify.

We will need to find a balance between ensuring as many eligible disabled people as possible can benefit from a re-opened ILF, whilst ensuring the level of award is sufficient to make a difference to people.

### Question

Do you think people should receive a minimum amount of funding from their local authority before they could be considered for additional ILF Scotland funding and if yes, how much should it be?

## Maximum Award

ILF Scotland currently make weekly awards to people up to a maximum amount of £475 per week.

### Question

Should the reopened fund have a maximum weekly award and If yes, how much should it be?

## Age

ILF age limits are currently 16 to 64 and an award remains in payment for life assuming the person remains eligible in all other areas i.e. no-one would lose their ILF award on turning 65.

For a re-opened ILF, if the age range increases, more people can apply.

We have to make sure the initial funding of £9m is awarded to those “with the most complex needs”.

### Question

Should there be an age applied for accessing ILF and if yes, what should it be and why?

## Managing an ILF Award

Everyone who currently receives funding from ILF Scotland must have an ‘Award Manager’.

This person (or organisation) is responsible for making sure that ILF is managed properly and in the best interests of the recipient.

The Award Manager would normally act as the employer of any Personal Assistants / enter into contracts with care and support providers.

The following people can currently act as an ILF Scotland Award Manager:

* the ILF recipient themselves
* someone with Power of Attorney / Financial Guardianship / Benefits Appointee
* a third party (such as a family member or management organisation)
* Social Work representative employed by the person’s local authority

### Question

Should awards be managed in a reopened fund in the same way?

## Charging for ILF (Available Income Contribution)

Most people who receive ILF currently pay £43 per week towards the cost of their support. We call this an Available Income Contribution

ILF Scotland works out how much someone is due and then deducts £43 from the weekly amount it pays out.

This is also the case for many local authorities in making Direct Payments or Option 1 of Self Directed Support.

There are procedures in place to ensure that recipients are not double charged by paying a charge to the local authority and a contribution to ILF.

As with Local Authorities, ILF Scotland can waive charges for people who can’t afford to pay them

There is a commitment from Ministers to remove social care charges and ILF charges in future.

### Question

Should a re-opened ILF have a charge of £43?, another amount?, or no charge?

## Capital

To receive ILF, recipients must not have capital of mor e than £32,750.

Capital includes savings, investments, second homes, land, one-off lump sums and income from some Trust Funds.

If a current recipient receives a payment / an asset such as a property, where the value is more than £32,750, their ILF will stop.

ILF Scotland will not take savings intended for a disability related adjustment.

If someone receives income related benefits, ILF Scotland assumes that any capital has been accounted for as part of that assessment.

### Question

Should the re-opened ILF have a capital threshold and if yes, how much should it be?

## Relationship with Local Authorities

ILF Scotland and Local Authorities should work closely with the recipient to agree a package of care and support that is in the best interest of the person.

A joint visit to the recipient is carried out every few years to review how things are working to best allow people to achieve their independent living outcomes.

### Question

Should there continue to be joint ILF and Social Work reviews every few years for a re-opened ILF?

## ILF and Statutory Funding (Additionality)

ILF provides support towards the cost of care / support for severely disabled people to enable them to live independently in their own homes.

To access ILF, the local authority has to already be paying for social care for the person.

When ILF established the Fund in 2015, applications were made by Local Authorities. Direct applications by the disabled person were not allowed.

ILF was never intended to be the primary funder in any jointly funded package of care and support.

It should instead be additional and complimentary to the Local Authority Funding.

The Local Authority is responsible for locally assessing eligible need.

A re-opened ILF should make sure that any funding is over and this and has a clear focus on achieving additional independent living for disabled people.

### Question

Should ILF in a reopened fund continue to be additional to statutory funding and if yes, should it focus on non-personal rather than personal care?

## Use of ILF Scotland Funding

ILF is intended to enable recipients to use their funding flexibly to achieve Independent Living outcomes in a way that suits their individual needs and helps overcome barriers they might face to independent living.

ILF Scotland funding can help recipients to:

* have choice and control and to live their life in the way they choose, taking into account risks that may need to be managed
* be an active citizen by being involved in and contributing to, things that are important to them
* be involved in commissioning or recruiting the support they require
* live with dignity and respect
* maintain or develop physical, mental and spiritual health and wellbeing
* participate in community life through work, learning, training and personal interests
* maintain relationships with family, friends and wider networks

Recipients should discuss and agree how they wish to use ILF Scotland funding with an ILF Scotland Assessor during an arranged review.

### Question

Should recipients of a re-opened ILF be able to use their funding in the same way as the existing Fund or in a different way?