

Co-Production Working Group Meeting 8

Tuesday 20 February 2024 – 10.30am to 12.30pm

In Attendance:

Peter Scott, ILF Scotland (Co-Chair)

Iain MacAllister, Scottish Government (Co-Chair)

Calum Macaulay, Glasgow Centre for Inclusive Living

Cameron Smith, SCLD for Andy Miller

Donna Murray, Social Work Scotland

Gaby Nolan, Lothian Centre for Inclusive Living

Jim Elder-Woodward, ILF Scotland Advisory Group

Andy Higgins, ILF Scotland Advisory Group

Fran Holligan, COSLA for John Urquhart

Lesley McLaren, PAMIS for Jenny Miller

Laura Kerr, Social Work Scotland – to leave early

Lyn Pornaro, Disability Equality Scotland

Margaret Petherbridge, Falkirk Council / ILF Liaison

Catherine McGoldrick, Health and Social Care Scotland

Sam Smith, CCPS

Tressa Burke, Glasgow Disability Alliance

Donald Macleod, SDS Scotland

Oonagh Brown, Scottish Human Rights Commission

Present:

Robert Peterson, Scottish Government

Steven Hanlon, Scottish Government

Lauren Glen, Scottish Government

Jack Blaik, Scottish Government

Harvey Tilley, ILF Scotland

Robert White, ILF Scotland

Linda Scott, ILF Scotland

Erika Mather, ILF Scotland

Stephen Wilson, DES

Apologies Received:

John Urquhart, COSLA

Fiona Collie, Carers Scotland

Pauline Nolan, Inclusion Scotland

Andy Miller, SCLD Cameron Smith

Jenny Miller, PAMIS

Item 1: Welcome

Everyone was welcomed to the 8th meeting of the Co-Production Working Group and thanked immensely for their work and contribution to this co-production process.

Apologies shared: from Fiona Collie (Carers Scotland) and Pauline Nolan (Inclusion Scotland - both approved and / or provided comments on the Paper 16. Also, apologies from John Urquhart (COSLA) but Fran is attending on his behalf. Cameron Smith attended on behalf of Andy Miller and Lesley McLaren, (PAMIS) for Jenny Miller.

Item 2: Declarations of Interest

None raised.

Item 3: Minute of previous meeting

Minutes circulated in advance of this meeting. Follow up question to minutes as discussion on rationale re £20 per hour amount being used for calculating the average cost of care was not included. To be discussed later during the meeting.

Item 4: Matters Arising and Actions

Update provided on each action recorded during last meeting.

Action 1: SG Sponsorship team to correct note with the appropriate title for Cat McGoldrick position.

Completed and forwarded to ILF to publish the correct version.

Action 2: ILF to amend wording in the application system from “eligibility” to “access”.

Action completed by ILF Digital Team.

Action 3: ILF and SG to consider further the rationale for a maximum award level of £300 to ensure that the proposed level of award is consistent with meaningful independent living outcomes.

Paper 16 provides updated rationale for a maximum award level to be set for £330.

Action 4: ILF and SG will reflect on discussion and come back to the group with draft recommendations for the formal report to Ministers, taking account of the views expressed.

Paper 16 shared in advance of this meeting reflects issues discussed during last meeting and will be considered later today.

Item 5: Co-Production Check-In

Easy Read version shared in advance. The group expressed appreciation for paying attention to the co-production process itself, members felt that they are being listened to and have ways of raising concern. It is a good experience and comparable to experience during establishment of Social Security Scotland, however it is not common across all other initiatives. The process developed seems like a good model to take forward where balance between contributions and pragmatism was achieved.

Request was made to create a forward programme of future meetings as it is a substantial commitment, and it would support planning and organising ahead.

Action: Plan and dates for the continued Co-Production Working Group process to be shared with group members as soon as possible.

Item 6: Report and Recommendations

A short introduction was provided to allow time to go through each recommendation. The Chair recognised that compromises had been

made to ensure prompt re-opening. Some group members issued comments and expressed contentment with the paper ahead of the meeting, subject to amendments including use of language around “loneliness” in accordance with social model of disability.

- **Qualifying Benefits**

Group approved and content with this recommendation. It was emphasised that to be entitled to social care support, there is no need to receive DLA / PIP / ADP; as we are linking ILF with social care support, there is no need to maintain the link with social security benefits.

- **Age**

The Group recommends re-opening the fund with no upper age limit and reviewing the lower age limit at later stage.

Feedback from latest Glasgow engagement included questions raised why ILF to support 16+ whereas 18+ would be more appropriate as young people with complex needs are more likely stay in school until 18 years of age; nonetheless this perspective was represented by a minority.

- **Threshold Sum**

Although number of options around threshold sum were discussed so far and variations between £800 and £1100 debated during the process. The recommendation states the sum of £800. Although it is not ideal, everyone agrees it is a good practical solution to start operating as soon as possible and that this sum offers a middle ground. There was consensus on the notion that further development of alternative model is required to move away from threshold all together.

It has been emphasised that the proposed figure of £800 would allow more than 1000 people to be eligible for the fund. Hence an additional mechanism is needed. A method of allocation is currently being developed, which takes into account factors such as population size in a given LA, deprivation level and prevalence of disability; there is no formal proposal of allocation at this stage and SG colleagues are working with LG analysts to finalise a proposal that will ensure that the method of distribution of the fund adheres to principles of proportionality and equitability.

Some risks discussed in relation to lowering the threshold. There is a risk of not knowing practical impact re number of applications. There are ongoing conversations with social work practitioners across the country and it seems that many provided reassurance that they already have individuals on their caseload who may benefit from access to the fund. However, it is important to highlight that Senior Management reports significant challenges re workload and social work staff being overwhelmed, so it is important to be cautious about capacity re handling the applications process.

It was pointed out that this is a resource led intervention, so we need to commit to living within the allocated budget. Hence, if allocated places are used up within first 6 to 8 months then we will not have the option to continue admitting new recipients; perhaps a waiting list can be considered until there is confirmation of the Year 2 budget allocation. Taking a learning and testing approach during Year 1 is most important – so in that spirit we are open to improve on it in the future.

Transparency is needed in relation to compromises that we are making, so that is clear when and why we are doing certain things.

There was a request to clarify the proposal regarding the process of making an application and who has responsibility for making the final decision and determining access to the fund. It was voiced that focus should be on cooperation and it is a joint process so social work practitioners are initiating the process and submitting the application on behalf of the person. ILF will then complete its assessment and determine whether it can be funded or not.

It was emphasised that communication with social work practitioners is crucial to ensure a phased and steady flow and intake of applications over the year to allow ILF assessment and processing capacity to operate smoothly. ILF Scotland will produce guidance for social work practitioners and around late May ILF assessors will be available to support LAs with their time and advice if that is needed. There are a mix of views on whether the re-opened fund will experience a steady trickle of applications or a massive surge at once. ILF Scotland will work to manage this uncertainty. Some LAs are already engaged positively and this is reassuring.

The threshold recommendation is in broad alignment with feedback from wider engagement; a common voice during the co-production process centred around the need for review and changes in the future, particularly to allow assessment of applications on a case-by-case basis rather than adherence only to thresholds limits.

It was questioned how we can ensure that we are proactive and not reactive during roll out of this fund. Reassurance was given that numbers of applications from each area will be monitored closely from the very beginning and communication with each area will follow if low numbers of applications are recorded. This monitoring will allow ILF Scotland to respond and adapt depending how things are materialising.

There is no perfect mechanism of the fund distribution; the allocation method is not ideal but the first come first serve mechanism is not fair either and can create lots of errors and injustice. There is a need for ongoing dialogue, building relationship with LAs and this will help with planning and improving in the future. The possibility of creating a waiting list to be considered if the number of applications exceeds allocated places. It will assist in identifying levels of unmet need across communities as well as providing information to support the development of the Fund.

ILF Scotland is developing its Communication Plan for the re-opening, which it will implement publicly once the Minister has agreed the re-opening policies.

Action: Allocation method to be finalised and confirmed.

- **Capital Threshold**

Group recommends not to impose any capital threshold; this approach stems from the believe that everyone is entitled to save up and be able to spend their savings on issues not related to their disability; additionally, LAs already have their own processes for assessing capital and this should be sufficient.

Feedback from wider engagement was more varied and some advocated that there should be a capital threshold should be there but perhaps at a higher level (between £50,000 and £100,000) in order to target public resources towards those who have no other way of receiving support; others advocated for solutions where various tariffs or tapers are applied to make this cut-off fairer.

Other pointed that capital threshold refers only to financial elements, assets such as home or other dividends are not being accounted for. For the existing fund, ILF would disregard any disability related expenditure as capital and only general savings count as capital.

- **Maximum Award**

Some questions were raised re rationale for the figure provided in the recommendation paper. The figure was increased following the last group's discussion to £330; ILF analysed award levels of current recipients' data and rates paid to various providers: organisational care providers, day centres and PA rates. An average hourly rate of £22 was used for the calculation with an average of 10 hours of support, to arrive at the £330 figure. However, it is important to be mindful that those average hours of support are over and above locally assessed eligible needs.

It was voiced that unfortunately across many LAs only critical and personal care is currently supported, and less social needs will be funded going forward. What constitutes a meaningful level of extra independent living support depends on what people are already doing, and it may vary significantly, for instance, for people in employment for 35h a week, or people with learning difficulties. Hence, not just the hours of support are meaningful but type of services too. It was acknowledged that it is hard to define a "meaningful" way to help to capture all those variations.

It has been pointed out that ILF is not able and will not to be able to meet all independent living outcomes and it would be best to emphasise that ILF's purpose is to make a contribution towards achieving those outcomes and that what are we doing is a starting point towards the ability of a disabled person to live independently.

Concerns were voiced re calculation and methodology presented for establishing the maximum award; if scrutinised it does not represent the real experience of a disabled person's cost of getting support and does not account for hidden cost that are present and often being absorbed by the family; all those costs are affecting the person's ability to receive support.

It was pointed out that the availability of ILF funding until 2010 helped shape pre SDS joint statutory and ILF funded support. From 2010 to 2024 only statutory support has generally been available to local authorities to meet all levels of eligible need thus creating an uneven picture of unmet need across the country. In this circumstance, ILF would maintain the value of its existing commitment to the person and do what it could to ensure that the LA was the major contributor.

Current risks were emphasised of many disabled people experiencing budget constraint during reassessment for their SDS budget. Concerns about upcoming social care reviews are widespread, with many anxious about reassessment and the level of impact on their day-to-day life. Also, this creates a risk that ILF will be inappropriately used to balance and top up SDS allocations rather than provide added value to them.

Some indication was given to extra challenges for those living in rural and island communities as it can take a whole day to participate even in few hours activity. The landscape of social care across the country has many differences and in the next 6 months it can change even further. It has been already observed that people are dropping services because they are not able to pay charges.

It was acknowledged that more transparency is needed in relation to the calculation presented re maximum award level being set as £330; the

reality is that given the fixed budget, the amount presented is what we can afford given the potential number of new recipients.

It was noted that the most disadvantaged people may not be able to make use of the funding they need because of hidden costs required to subsidise the costs involved, as the reality is that getting additional money often costs money and those extra costs are often being absorbed by the families.

The desire was expressed to make sure that any learning from rolling out of the re-opened fund be captured effectively in order to support improving wider social care challenges, to help identify gaps in need, and connect with other agendas; hence request was made to include monitoring of how the fund operates to the list of Priorities for the Year 1

Action: Wording re Maximum Award in Paper 16 to be amended to reflect affordability issues in more transparent and open way.

Action: Monitoring and Real Cost of Care topics to be added to the Year One Post-Opening Priorities list.

- **Award Management**

The group confirmed this recommendation.

- **Available Income Contributions (ILF Charges)**

It was reported to the group that during the wider engagement events, attendees were overall supportive of no charge; however recently the opinion shifted slightly in favour of charge and that the amount of £43 should remain for new applicants, or some flexibility be built in e.g. by adding a taper or for it to be possible for those who wish to make contributions voluntarily.

It was suggested that ILF's charge is lower than LAs' charges so people are better off paying ILF. New applicants will be already likely be paying LA charges; the emphasis was placed on the ongoing ILF policy that recipient should not be the subject of double charge. However, this depends on each LA's charging policy. It was noted that we should be cautious of making recommendations that seek to take advantage of existing LA charging policies or rely on them remaining unchanged. In other words, we should avoid re-opening the fund with charges because this is the right thing to do.

Also, there is a need to be explicit that charges determined by LAs are within LAs scope, not ILF. The interaction of LAs and ILF is complex and differs across the country and agreeing a principled view of the matter, rather the details, is the best solution.

Others emphasized that healthcare is free of charge so social care should also be free at the point of entry.

The Group confirmed that they want to maintain the recommendation of re-opening with no charges.

- **Additionality**

Although there is no absolute guarantee that ILF additionality is to be protected in the re-opened fund, the mechanism developed requires LAs to confirm the level of SDS budget (at the point of application or prior to) and any outcomes funded by ILF should be above that.

There is a need to update the Joint Statement between COSLA and ILF Scotland. Although the last version is still accurate, we need to add wording to reflect re-opening and benefit of the new award.

It was requested that ILF ensure through updates to operational policies and procedures that the additionality principle is protected.

It was requested that there be more focus on partnership work among ILF Assessors and LAs and that this be reflected in the Recommendation paper language.

Action: Wording in the recommendation to be amended to reflect focus on partnership work between stakeholders (ILF / Assessors and LAs / SWs).

- **Relationship with LAs**

It was outlined that the re-opened fund has an LA-led application process; the reliance on social work applications is adding a bit extra pressure to their workload. However, reassurance been given that in practice it means, on average, approx. 1 application per fortnight per LA (it may vary across LAs) and the current estimate is that it should take no longer than 30 min to complete an application. This in itself is a significant increase in efficiency if compared to the former ILF UK model.

It was confirmed that cooperation with LAs is to be subject to continuous monitoring.

- **Use of ILF Fund**

It has been commonly accepted during wider engagement that ILF's existing policies on the use of funds be maintained, with some focus on greater flexibility. It has been agreed that any use of funds in non-conventional ways is to be requested first by the recipients and await formal approval by ILF. Funding non routine support by approval offers additional protection against any possible consideration of ILF funding as income and will be maintained in the re-opened fund.

The group approved the recommendation.

- **Year One Post-Opening Priorities**

The group is content with Year One Post-Opening Priorities outlined in Paper 16 but also willing to add points to reflect today's discussion on the inclusion of hidden costs of receiving care and monitoring of the re-opened fund.

- **Prioritisation List**

It has been pointed out that prioritising those “of the at risk of residential care” only is not sufficient and there is a need to capture those at risk of being placed at other type of institutions. This is the policy intention but it just needs to be clearly stated.

Action: Wording re the prioritisation list in Paper 16 to be amended to include not only those at risk of residential care but also other types of institutional support.

Item 7: Engagement Events Feedback

Relevant feedback from the engagement events was provided during the meeting while recommendations were discussed.

Item 8: AOB

None raised.

Item 9: Next Meeting Arrangements

To be schedule for around mid-March to confirm final arrangements.

Updates will be provided via email if the group needs to be aware of anything before next meeting and / or in relation to putting forward the recommendations to the Minister.