

Co-Production Working Group Recommendations for Scottish Ministers on the Policy to Re-Open the Independent Living Fund to New Applicants in 2024

The Programme for Government commitment states that the Scottish Government will re-open the Independent Living Fund (ILF) on a phased basis with an initial £9 million in 2024 to 2025 to enable up to 1,000 disabled people to live more independently.

Part of this commitment was that the re-opened Fund would be co-produced with disabled people and other stakeholders. A Co-Production Working Group was convened to develop the policy options for opening the ILF to new applicants in Scotland.

Members of the group consist of disabled people's organisations, local authorities, representative bodies (including COSLA, disability organisations and carers) and third sector organisations. The Group additionally included members who have direct knowledge and understanding of living with an impairment. [View the full membership of the Group on the ILF Scotland website.](#)

The aim of the Working Group was to co-produce recommendations to advise Ministers on the policy to open the ILF to new recipients including the access principles for new applications; and in doing so bear in mind that this policy should be affordable and sustainable, within the available funding from Scottish Government.

Agreement of Initial Broad Principles

The group welcomed the opportunity to re-open as quickly as possible in recognition of the many challenges and barriers to independent living that disabled people are currently facing. The group recognised that potentially significant policy compromises would be required to achieve the earliest possible opening and, critically, to ensure affordability and sustainability.

The group recognised that the UK Fund had a number of features that could be developed and improved but that it would not be possible to fully address these in the available timeframe as this would significantly delay re-opening. The recommendations below should, therefore, be seen as a starting point that will allow the earliest possible re-opening to benefit disabled people. The group will continue to meet beyond the re-opening date with a view to co-producing improvements to the fund in the first year of its operation. (See [Year One Post Opening Priorities](#) below.)

Definition of ‘Complex Needs’

The UK All Party Parliamentary Group on Complex Needs and Dual Diagnosis have established that a person with complex needs has “two or more needs affecting their physical, mental, social, or financial wellbeing”. Such multiple needs are likely to increase the barriers to independent living faced by disabled people, including those that prevent people leading a full life as equal citizens, including problems with accessing certain services and amenities, which can make independent living outcomes difficult to achieve without assistance.

Needs that are assessed as eligible to be supported by the Local Authority are ordinarily not appropriate for ILF funding as ILF funding is

not intended to replace those areas that should be funded by another body.

ILF Scotland will use its professional judgment to evaluate the difference that its funding could make towards meeting key independent living outcomes that are currently unmet and will prioritise those:

- At risk of residential care or other forms of institutional, congregate, or non-community-based living.
- At risk of family breakdown due to unpaid carer stress.
- Experiencing loneliness and isolation, because of disability.
- Requiring assistance to develop or maintain relationships, because of disability.
- Requiring support to access social and recreational opportunities.
- Requiring assistance to access active citizenship.
- With significant independent living outcomes identified by their local authority that do not fall within local eligibility criteria.

Recommendations

1. Qualifying Benefits

Access to the Independent Living Fund should not be linked to receipt of Disability Living Allowance, or other disability-related benefits, in the way that was the case for the Department of Work and Pensions (DWP) administered UK Fund.

2. Age

The re-opened Fund will be open to applications from people aged 16 or over.

3. Threshold Sum

The group recommend that the Fund should re-open using a 'threshold sum' as a key access principle. The threshold sum is the value of the local authority / SDS care package and has been used by ILF since 1993 as a proxy for level of need. Initial use of this well-understood approach will allow the Fund to open promptly.

Following deliberations, the group recommend that the Fund should open with a threshold sum of £800 per week.

To ensure that the Fund is affordable within the £9m allocation committed to by Ministers in the first year, each local authority area should be allocated a share of 1,000 places in the Fund, with places to be allocated proportionately based on the size of the population and the percentage of disabled people in that area. [The allocation per Local Authority area can be found on the ILF Scotland website.](#)

4. Capital Threshold

The group recommend that the re-opened Fund should not impose a capital limit on applicants. In practice, capital limits will be applied by local authority partners as part of their SDS assessment process.

5. Maximum Award

The Fund should open with a maximum award of £330 per week. The group considered that 10 hours of additional independent living focused support and assistance was meaningful in relation to the realisation of [Article 19 of the UNCRPD](#) and will allow a typical award to contribute to making a meaningful difference to the ability of a disabled person. Using the current ILF average hourly rates awarded of £22 per hour, taking 10 hours as the average, and 15 hours as the maximum, this equates to £330 per week.

The group did recognise that awards based on these average costs will not always be sufficient to secure the intended outcomes but recognise that setting an affordable maximum award is essential to working within the funding provided by Scottish Ministers and thereby ensuring the sustainability of the Fund.

6. Award Management

The Fund should be accessible to those who are unable to manage their own affairs. Management of awards by suitable third parties should be permitted, as in the existing Fund. Policies should emphasise supported decision making, rather than substitute decision making, where this is possible. Local Authorities should not normally manage awards.

7. Available Income Contributions (ILF Charges)

Available income contributions (charges) should not be a feature of the re-opened Fund. Ministers have committed to removing social care charges, including ILF charges, within the lifetime of the current Parliament. Therefore, the position of the group is that it does not make sense to re-open the fund with an effective charge in place.

The group recognised that this would create an anomaly between existing ILF recipients, most of whom make a contribution of £43 per week towards the cost of their ILF funded assistance, and new recipients of the re-opened Fund. Nevertheless, the group concluded that this was preferable to introducing charges for new recipients, most of whom will already be paying social care charges to their local authority.

8. Additionality of ILF

New ILF awards should be truly additional to and used in ways that genuinely deliver improved independent living outcomes for recipients. ILF awards must not be used to fund outcomes that sit within the boundaries of locally assessed eligible need and must at all times fund outcomes that are in addition to eligible need. Local authorities will be asked to confirm additionality at the point of application.

9. Relationships with Local Authorities

Local authority practitioners should complete applications. This is the only application route that can be ready for April as the technology, agreements and relationships are already in place.

It is important for the success of the Fund that ILF Scotland and Local Authorities work well together, because of the LA's knowledge of their own populations and because they hold key information that will be

required for an ILF award to be approved. However, the recipient should always be at the centre of a three-way relationship with ILF Scotland and their Local Authority.

In the near future, consideration should be given to developing an application route that is initiated and led by the individual (or their appropriate representative, which may include charitable organisations already providing support to disabled people in the local community) rather than by their local authority. (See [Year One Post Opening Priorities](#) below.)

10. Use of ILF Funds

The group recommend that existing ILF policy on use of funds should be maintained for new recipients. The objective of ILF Scotland's policies on the use of funds awarded is to maximise flexibility, choice and control for recipients whilst ensuring entitlement to welfare benefits is not compromised and ensuring appropriate use of public funds.

Year One Post-Opening Priorities

The following areas will be considered by the group as soon as possible after re-opening:

- The inclusion of an unpaid care component within the threshold that reflects the valuable contribution of unpaid carers.
- An accounting model applied by ILF Scotland to address the differing costs across various local authorities.

- Replacing a single monetary value threshold sum with a graduated threshold entry model.
- Consideration of any potential role for ILF in supporting those living away from home in institutional like settings to return to and participate in their local communities.
- Monitoring of the real time cost of care experienced by new recipients of ILF, e.g. costs of recruiting and retaining Personal Assistants.

These pieces of work would seek to refine how the threshold works with greater equity and targeting in mind.

Alternative means of determining access to the re-opened fund will be considered within the first year. The objective will be to move closer to a rights-based model and a more sophisticated and consistent means of identifying and prioritising those facing the greatest barriers.

Conclusion

The above forms the basis of the recommendations to the Minister for Social Care, Mental Wellbeing and Sport.