



Mark Drakeford AM  
Minister for Health and Social Services

6 February 2015

Dear Mark,

### Independent Living Fund

You will be aware that on 21 January Welsh Government officials provided a factual briefing to the Health and Social Care Committee regarding the Welsh Government's consultation on future care and support arrangements for Independent Living Fund (ILF) recipients.<sup>1</sup> The briefing was sought in order to allow the Committee the opportunity to explore the options that are being considered to provide support for ILF recipients when responsibility for the fund transfers from the UK Government to the Welsh Government on 1 July 2015. The Committee is grateful for the additional information provided on 29 January to supplement the oral evidence given by officials.<sup>2</sup>

Following the briefing, the Committee agreed to write to you to seek clarification on the points outlined below.

#### *Ensuring equity in new arrangements*

During the briefing, officials noted that a proportion of service users believe that local authorities may not provide the same level of support to non-ILF recipients, even though their needs may be similar to those receiving support from the Fund.<sup>3</sup> The Committee is keen to ensure that vulnerable individuals

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<sup>1</sup> Welsh Government, [Independent Living Fund – future arrangements to support recipients in Wales](#), 3 October 2014

<sup>2</sup> National Assembly for Wales, Health and Social Care Committee, [Additional information](#), 29 January 2015

<sup>3</sup> National Assembly for Wales, Health and Social Care Committee, [RoP \[para 21\]](#), 21 January 2015

are no worse off as a result of new arrangements to replace ILF support in Wales.

The Committee is aware that the UK Government has decided that, in England, the funds will transfer to the local authority budgets. The UK Government's equality analysis on the closure of the ILF concludes that:

“It is almost certain that closure of the ILF will mean that the majority of users will face changes to the way their support is delivered, including the real possibility of a reduction to the funding they currently receive. This is because the ILF funds some aspects of care that some local authorities do not and may also provide different levels of flexibility in the use of such funding. The ILF may also provide a greater level of funding than would be available if the local authority had sole responsibility for meeting an individual's care and support needs.

Closure of the ILF in 2015 and the transfer of funding to local authorities (...) is likely to have an adverse effect on ILF users because of monetary reductions in the amount of support a person receives and because of changes in how that support is delivered.”<sup>4</sup>

The Equality Impact Assessment goes on to say that it is probable that a large number of users will experience some reductions to the current funding they receive.<sup>5</sup>

The Committee would welcome clarification about:

- whether non-ILF social care recipients with similar needs to ILF recipients would be entitled to receive an equivalent level of funding through direct payments for care and support in Wales;
- how equity of provision has been considered when deciding on the arrangements that will be put in place when responsibility for the Fund transfers to the Welsh Government on 1 July 2015;
- how the Welsh Government will measure the impact of the new arrangements to replace ILF support, in order to demonstrate that individuals are no worse off.

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<sup>4</sup> Department for Work and Pensions, [Closure of the Independent Living Fund: equality analysis](#), 6 March 2014

<sup>5</sup> Ibid

### *Assessment and eligibility regulations*

The Committee notes that the Welsh Government is currently consulting on the regulations and code of practice in relation to Part 3 (Assessment) and Part 4 (Meeting Needs) of the Social Services and Well-being (Wales) Act 2014.<sup>6</sup> It is therefore difficult to assess accurately the impact changes to the assessment process and eligibility criteria will have on ILF recipients.

The Committee would welcome an assurance from the Welsh Government that, when developing the new assessment and eligibility regulations under the Social Services and Well-being (Wales) Act 2014, consideration will be given to their potential impact on ILF recipients.

### *Variable rates for social care*

The Committee notes that for individuals who do not receive support via the ILF, it may still be possible to use a direct payment to give individuals choice and control over the support they seek for their own care needs.<sup>7</sup> The Committee would welcome clarification from the Welsh Government about any work it has underway – or plans to undertake – to review arrangements for direct payments in Wales, particularly in relation to the impact variable hourly rates for care services may have on the usefulness of direct payments for individuals in need of care and support.

### *Interim arrangements*

The Committee acknowledges that implementing the arrangements for the option selected may take time, but emphasises that it is extremely important that any interim arrangements are in place and clearly communicated in advance of the transfer of responsibility for the Fund on 1 July. The Committee would welcome:

- confirmation that interim arrangements will be in place to ensure that current ILF recipients do not experience disruption to their care and support services;

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<sup>6</sup> Welsh Government, [Implementation of the Social Services and Well-being \(Wales\) Act 2014 - Consultation on the Regulations and code of practice in relation to Part 3 \(Assessment\) and Part 4 \(Meeting Needs\)](#), 6 November 2014

<sup>7</sup> National Assembly for Wales, Health and Social Care Committee, [RoP \[para 104\]](#), 21 January 2015

- the publication of the Welsh Government's timetable, and the accompanying communications plan, detailing any interim arrangements which may be required from July 1.

*Funding for subsequent years*

Officials confirmed that discussions with the UK Treasury about funding beyond the 2015-16 financial year are ongoing.<sup>8</sup> Assuming that the ILF funding or its equivalent will continue in some form after July 2015 the Committee would welcome clarification of what arrangements will be put in place to support payments to Welsh recipients in subsequent years if UK Government funding does not continue or if the level of funding is reduced.

The Committee understands that a decision will be taken on future arrangements for the ILF imminently and would welcome an outline of how the points raised in this letter have been taken into account as part of that consideration.

Yours sincerely,

A handwritten signature in black ink that reads "David F. Rees." The signature is written in a cursive style with a large 'D' and 'R'.

**David Rees AM**

Chair, Health and Social Care Committee

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<sup>8</sup> National Assembly for Wales, Health and Social Care Committee, [RoP \[para 182-183\]](#), 21 January 2015