

Equality Impact Assessment and Analysis (EqIAA)

Independent Living Fund (ILF)

Date: February 2015 – June 2015

Section 1 – Introduction and Background

The Independent Living Fund (ILF) was established in the late 1980's as a national scheme. Its primary purpose was to provide additional funding to services provided by the Local Authorities, such as Home Care, Direct Payments etc. to increase independence.

ILF identifies users as either 'group 1' or 'group 2' users:

- Group 1 users were able to apply to ILF without any local authority (LA) involvement.
- Group 2 users needed to have a set amount of LA involvement before ILF would provide any funding.

Nationally, the current ILF budget is £352m and there are in excess of 17,000 users.

In 2013 the decision was made by central government to close the ILF and transfer the funding to LA's. In November 2013 the court of appeal overturned the decision to close the ILF and ILF continued until a new decision was made in March 2014, to close on 30th June 2015.

All of the ILF users in South Gloucestershire were visited by ILF between June 2013 and October 2014, and are aware of the implications of the closure. South Gloucestershire Council (SGC) attended 90% of these visits made by ILF. By attending these visits, SGC were able to identify any additional needs that were discussed, answer users questions as to how the LA would be dealing with the closure, provide ILF with the necessary paperwork to confirm that the LA was still funding the minimum required amount and to feed back to the care management teams if there were areas of concern.

In October 2014, a second appeal was heard by the high court against the closure and was turned down by the Judge.

Currently, ILF users in the SGC area receive just over £1m worth of support per year from ILF. In July 2015, it is planned that nine months worth of the net amount of ILF (the gross assessed amount of each package, less the ILF users contribution) less 5% attrition, will be transferred to SGC. DWP will pay this money to the department of communities and local government who will send the funding on to the LA's under a section 31 grant.

Using the last data sent through by ILF, the annual amount of ILF packages totals £1.1m. When the funding transfers to SGC, the service user contributions of £165k and the 5% attrition of £46K will be taken from the total amount and 9 months of the remainder will be transferred to SGC to take us up to 31st March 2016. This amount is estimated to be £680k.

On 18th February 2015, SGC councillors agreed to continue to fund ILF users at the current rate from 01/07/2015 until 31/03/2016.

Section 2 – Research and Consultation.

In August 2012, the ILF consultation process began with various dates and venues for ILF users to attend to hear the proposals. For ILF users in SGC area, the closest venues were Exeter, Cardiff or Birmingham.

The SGC ILF contact officer attended a contact officer's consultation day and SGC then ran awareness sessions for all ILF users in the SGC, B&NES and Bristol areas. B&NES and Bristol were invited after it emerged that less than 50% of current users had received the information sent out by ILF about the consultation. (The same 50% applied to users in the SGC area).

All ILF users in the SGC area were sent a letter inviting them to the meeting which was at a venue selected because there was level access, plenty of parking (given that the majority were likely to be blue badge holders) and accessible toilets. At the event, there was a PowerPoint presentation with paper copies available (electronic versions sent out on request) and there was a questions and answers session. Users were briefed about the proposed changes to ILF and were advised on how to submit their concerns etc. Approximately, 50% of SGC ILF users attended the meeting.

SGC held information events with ILF users on 6th September 2012, 6th June 2013 and 12th September 2014. Throughout the information events, SGC were transparent with the information provided by ILF, passing on all information as it became available. An ILF user group was formed at the meeting on 12th September 2014 and SGC funded the room hire for a further meeting and conference for the user group.

SGC also attended an ILF information day run by ILF on 21st October 2014.

Data showing funded amounts and service user contributions:

Data sent by ILF on 01/07/2014 for **Group 1** users

| No Users | Av. ILF payment | Av. S/U cont. | Av. SGC service |
|----------|-----------------|---------------|-----------------|
| 7 | £436.32 | £53.75 | £349.75 |

Data sent by ILF on 07/04/2014 for **Group 2** users

| No Users | Av. ILF payment | Av. S/U cont. | Av. SGC service |
|----------|-----------------|---------------|-----------------|
| 44 | £361.26 | £69.29 | £624.68 |

Data sent by ILF on 13/10/2014 which **combined** the two user groups:
(The information shows 7 Group 1 users and 43 Group 2 users).

| No Users | Av. ILF payment | Av. S/U cont. |
|----------|-----------------|---------------|
| 50 | £390.30 | £66.65 |

The combined groups use their funding to employ:

| PA's | Agencies |
|------|----------|
| 45 | 12 |

38 of the ILF users receive a Direct Payment (DP) from the LA.

The data shows that:

- Group 1 users receive, on average, a higher amount of funding to that of Group 2 users and contribute a lower average amount.
- 78.9% of ILF users use personal assistants in preference to agencies.
- 76% of ILF users receive a Direct Payment from the LA.

The data shows the average amount paid to ILF users and this will remain unchanged from 1st July 2015 until 31st March 2016 as SGC will continue to fund at the same rate.

From 1st April 2016, the amount paid will depend on the assessments completed by Social Workers in late 2015 / early 2016. The assessments will follow the 'Fair Access to Care' criteria / the 'Care Act' criteria to determine what level of funding will be provided.

Protected characteristics

ILF have provided a breakdown of service user's primary impairment as follows:

| Primary impairment | No of Users |
|------------------------------------|-------------|
| Autism | 1 |
| Brain damage (inc head injury) | 2 |
| Cardio-vascular(inc heart disease) | 1 |
| Cerebral Palsy | 6 |
| Cerebro-vascular (inc stroke) | 1 |
| Down's syndrome | 3 |
| Epilepsy | 2 |
| Friedreich's ataxia | 3 |
| Hydrocephalus | 1 |
| Learning disability | 1 |
| ME | 1 |
| Multiple Sclerosis | 8 |
| Muscular Dystrophy or Atrophy | 3 |
| Other | 7 |
| Severe learning disability | 5 |
| Spina bifida | 1 |
| Spinal injury | 4 |
| TOTAL: | 50 |

The data shows that the highest user group have a primary impairment of Multiple Sclerosis; however, all conditions have their own needs so we cannot say that one condition will be affected more than others by the closure of ILF. However, we can say that 100% of those affected will be Disabled People.

Currently under the Fair Access to Care (FACS) eligibility criteria, there are four levels of support as follows: Low, Moderate, Substantial and Critical.

SGC are only able to provide support for Substantial and Critical yet ILF are able to provide support for services over the whole FACS criteria.

The majority of LA's throughout the UK (82.5%) fund Substantial and Critical. Under FACS, Councils were able to determine where they set the threshold for access to services which they felt made the best use of their resources and local circumstances.

With SGC continuing to fund ILF users at the current rate until 31/03/2016, we may have a situation with 2 users with the same disability being funded differently. The ILF user would receive more funding from SGC than the non ILF user. This impact would be a positive impact for the ILF user.

ILF have provided information for ethnicity, age and gender for ILF users in the SGC area:

Ethnicity

| Ethnicity | No. of ILF users | % |
|---|-------------------------|----------|
| Asian/Asian British – Pakistani | 1 | 2.0 |
| White – English/Welsh/Scottish/Northern Irish/British | 39 | 79.6 |
| White Other | 3 | 6.1 |
| Other ethnic group | 1 | 2.0 |
| Not Known | 5 | 10.2 |

The data shows that 79.6% of ILF users classify as White – English / Welsh / Scottish / Northern Irish / British; this is a lower percentage than the overall South Gloucestershire population of 91.9%. The data also shows that 6.1% of ILF users classify as “White Other” compared to 2.5% of the South Gloucestershire population classifying within this group.

Age

| Age Group | No. of ILF users | % |
|------------------|-------------------------|----------|
| 16 – 25 | 1 | 2.0 |
| 26 – 35 | 9 | 18.4 |
| 36 – 45 | 12 | 24.5 |
| 46 – 55 | 17 | 34.7 |
| 56 – 65 | 5 | 10.2 |
| 65+ | 5 | 10.2 |

Proportionately, the effect of the closure will impact upon people aged 36 - 55 more than other age groups.

Gender

| Gender | No. of ILF users | % |
|---------------|-------------------------|----------|
| Female | 28 | 57.1 |
| Male | 21 | 42.9 |

Females constitute a higher percentage of ILF users in the SGC area.

As shown in the data, the effect of the closure will affect some groups proportionately more than others from 01/04/2016.

Section 3 - Identification and analysis of equalities issues and impacts

It is clear that the closure of ILF has the potential to result in a negative impact for Disabled People in South Gloucestershire. This is because 100% of those currently in receipt of ILF have an illness / disability and all will be impacted by the change.

It is also worth noting that within the first year (i.e. 1st July 2015 to 31st March 2016) SGC has taken a decision to ensure that all persons receive an unchanged amount. This provides mitigation against the full impact of the changes to ILF for this period. As such, there will be no impact on ILF users regardless of protected characteristic group from 01/07/2015 – 31/03/2016 as SGC will continue to fund users in the same way.

From 1st April 2016, ILF users will be funded under the same criteria as non ILF users. At this point, there may be a negative impact on ILF users as SGC may not be able to fund as much as was funded under ILF rules, however, the reassessment of care needs, (to be completed by the Social Workers in late 2015 / early 2016) may identify a higher need and therefore additional funding resulting in a positive impact. As such, we will conduct assessments between late 2015 and early 2016 and will conduct a separate EqIAA to examine the levels of impact and this will be reported separately

Section 4 – EqIAA Outcome

This EqIAA has identified no impact from 1st July 2015 until 31st March 2016 for ILF users.

From 1st April 2016, impact is at present unclear until the reassessment of care needs has been completed at which point a separate analysis will be undertaken.

Section 5 – Actions to be taken as a result of this EqIAA

- To undertake assessments between October 2015 and February 2016 using the FACS / Care Act criteria.
- To undertake a separate analysis of impact as a result of the assessments.
- To report the analysis to Committee in June 2015.

Section 6 – Sources of Information

ILF user data provided by ILF:

Group 1 user information – 1st August 2014

Group 2 user information – 7th April 2014

Ethnicity information – 27th March 2015

Age information – 27th March 2015

Gender information – 27th March 2015

Information on the court judgement can be found at:

[Statement on the future of the Independent Living Fund](#)

(www.gov.uk/government/speeches/statement-on-the-future-of-the-independent-living-fund)

Information regarding the appeal which overturned the decision to close:

[Disability Rights UK](#)

(www.disabilityrightsuk.org/news/2013/november/our-response-ilf-court-appeal-victory)

[BBC News](#)

(www.bbc.co.uk/news/uk-politics-24834558)

Information regarding the appeal which was turned down:

[Disability Rights UK](#)

(www.disabilityrightsuk.org/news/2014/december/high-court-upholds-decision-close-ilf)

[BBC News](#)

(www.bbc.co.uk/news/uk-22277851)