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Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

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David Rees AM
Chair
Health and Social Care Committee
National Assembly for Wales
Cardiff Bay
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5 March 2015

Deu David,

Thank you for your letter of 6 February, on behalf of your Committee, seeking clarification on a number of points that arose following briefing by officials on 21 January. The briefing related to the Welsh Government's recent consultation on future care and support arrangements for Independent Living Fund (ILF) recipients in Wales.

I will clarify the points raised in your letter in the order they were raised and trust this will satisfactorily address the Committee's concerns.

Regarding direct payment service users, they will only receive the same level of funding if the ILF funding is placed in an authority's social care via the Revenue Support Grant. This is because all service users, including previous ILF recipients, would only be subject to that authority's eligibility criteria to receive non-residential social care. The amount of direct payment a person receives is based on the cost of providing that same level of care if a local authority provided the assessed care needs directly. There is no national or standard level of direct payment, these are determined locally based upon demand and resources to provide non-residential social care.

If any of the other options for future ILF arrangements are adopted then service users who are on a direct payment from their local authority would not receive the same level of funding as those who are in receipt of ILF and local authority care and support.

The assessment and eligibility regulations under the Social Services and Well Being (Wales) Act 2014 would only apply to current ILF recipients if the ILF funding was transferred into local authority's Revenue Support Grant. This is because all service users would be subject to a standard form of assessment of care needs. Those in receipt of ILF have satisfied their local authority assessment and eligibility criteria and then, in addition, have had to satisfy the ILF criteria to receive additional monies towards their care and support requirement. Whilst the ILF closed the scheme to new applicants from 2010 to receive ILF before that date recipients would have to be in receipt of local authority care services of a minimum of £340, this being the cost of providing that assessed level of care.

The individual would also have to be in receipt of the Highest Rate Care Component of Disability Living Allowance or the Enhanced Care Component of Personal Independent Payment to apply for ILF funding. They would then be subject to a further assessment of their care needs by ILF before an award could be made.

Direct payments arrangements are being reviewed within the context of the Social Services and Well Being (Wales) Act 2014 in regard to assessment, eligibility and charging but the hourly rate of payment is not covered by the Act and is subject to local authority resources and demand and is limited to the comparative cost of agreed care provision from an authority to that of an independent care provider. This will vary between authorities and is not set at a national or minimum amount, or hourly rate, across Wales.

The decision taken by the UK Government to close the current ILF scheme and pass responsibility for its future to the devolved administrations was made without prior discussion or agreement with the said administrations. This is a new and additional responsibility that will require ongoing funding from Central Government in order for ILF recipients to continue to receive the care and support their disability or illness warrant. Obviously there will be an ongoing reduction in the level of people in receipt of ILF over a period of time that will lead to a reduction in the funding provided. Presently funding of £20.4m has been allocated for the period July 2015 to end of March 2016. This figure is based on the number of people in receipt of ILF at the end of June continuing to receiving their current level of funding. Funding beyond next March will be subject to negotiations on the next Spending Round. Given that responsibility for administering ILF was imposed upon the Welsh Government, without prior discussion or negotiation, the UK Government must accept its duty to provide appropriate funding for this new and additional task. The Welsh Government cannot fund or subsidise every change in responsibility decided by the UK Government and passed to on to us to deal with. We will of course do all within our powers to protect the position of people, such as those receiving ILF funding who have significant levels of care needs. However, I cannot provide you and your Committee with any assurance that everyone can remain unaffected by the UK Government's decision to terminate the current ILF scheme.

The issues your Committee have raised through your letter have all been factored into my considerations of what is the best way to progress the future arrangements for ILF recipients. This includes what would be the impact on their current level of support and care if the funding were to be put in the RSG without the protection of their funding they have through ILF, together with how best to continue to provide the level of funding they presently receive which allows them to remain to live as independently as possible within their communities.

I will be issuing a written statement to members next week outlining my decision on the way forward.

Best wishes,
Mark

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