



Llywodraeth Cymru
Welsh Government

To: Directors of Social Services, Finance Officers –
Local Authorities in Wales

Ein cyf/Our ref: WILG 15-16

19 June 2015

Dear Colleague,

Welsh Independent Living Grant Scheme (WILG) 2015-16 Guidance Notes

Purpose

To provide general guidance on how to operate the above grant scheme and provide information on specific aspects of eligibility, payment and review of an individual's entitlement to payment under the grant scheme.

Background

The UK Government announced in March 2014 that responsibility for the Independent Living Fund (ILF) would become the responsibility of the devolved administrations from 1 July 2015.

In Wales a public consultation on the future arrangements for the care and support of ILF recipients was held between 3 October and 23 December 2014. After analysing the consultation responses, the Minister for Health and Social Services announced on 13 March 2015 what arrangements would be in place for handling the future care and support. His decision was to create a special grant, to be administered by the local authorities in Wales for the period 1 July 2015 to 31 March 2017. Funding of £20.4m for the period 1 July 2015 to 31 March 2016 has been allocated to the Welsh Government to continue to pay ILF recipients their allocated awards as at 30 June via the above grant scheme. This funding is to be used only to pay ILF recipients who continue to be eligible to receive payments from the Welsh Independent Living Grant (WILG) scheme, this has been specified in the grant scheme's Terms and Conditions and accepted by all signatories on behalf of their respective authorities. The ILF scheme made payments to individuals who were in receipt of

Adult Social Services Policy
Welsh Government
Cathays Park
Cardiff, CF10 3NQ

English Enquiry Line: 0845 010 3300
Llinell Ymholiadau Cymraeg: 0845 010 4400
Direct line: 02920 826946

certain care rates of Welfare Benefits and had a care package agreed with ILF for additional funding to meet their needs and objectives. The vast majority of ex-ILF recipients also receive non-residential care and support from their local authority to a given cost threshold which entitled them to be considered for funding by ILF.

Guidance

The guidance contained in this notice covers the basic eligibility, payment and monitoring of said payments made under the WILG scheme. This scheme is to be treated completely separately from charging for non-residential social care services as provided or commissioned by local authorities in Wales. The scheme is also not subject to the weekly maximum charge regulations issued by Welsh Ministers in exercise of their powers under the Social Care Charges (Wales) Measure 2010. The range of services that ILF funding could be used for is in many instances wider than those provided by local authorities in Wales. The grant scheme's purpose is to continue the level of payment recipients received under ILF up to 30 June this year. However, eligibility for payment under WILG is based on the following eligibility criteria adapted from that used by ILF which was set by a Trust Deed and had more factors considered than those being used for the new grant scheme.

There may be issues of commonality that will apply across an authority's charging policies that can be used when considering elements of dealing with a grant recipient's individual circumstances.

This is the Eligibility criteria that must be applied.

Recipients of payment under the Welsh Independent Living Grant Scheme (WILG) must on 30 June 2015:

- Be an ILF recipient on 30 June 2015, or whose ILF payment is currently suspended at that date.
- Be resident and present in Wales
- The individual continues to be in receipt of the appropriate care component at the same level at 30 June 2015 of:

Disability Living Allowance
Attendance Allowance
Constant Attendance Allowance
Personal Independence Payment
Armed Forces Independence Payment

- Since its inception there have been three thresholds that have been applied by ILF to those receiving non-residential care and support from their local authorities. These are:
 - 1993 £200
 - 2008 £320
 - 2010 £340

- The individual continues to receive Local Authority care and support to the value of the relevant threshold where applicable. This will apply to some Group 1 recipients and all Group 2 recipients.
- That the individual continues to live independently within their community and does not permanently reside in a residential care home setting.

To get funding from WILG users must:

- be living in the UK for at least 26 weeks a year
- get or be entitled to the highest rate care component of Disability Living Allowance (DLA)
- require more care than their available income will buy

Local authority Input up to a threshold sum (for group 2 users) is a requirement for awarding of WILG and can include

- home care – in house or contracted out
- day centre/services
- residential respite
- Direct payments
- Citizen directed support

What can the WILG money be used for ?

Qualifying support and services (QSS)

- cleaning and other domestic duties
- cooking and preparing food and drink
- laundering and ironing
- shopping
- personal hygiene and grooming
- dressing, eating and drinking
- physical movement such as turning, walking
- supervision in order to avoid substantial danger to themselves or others

Where can the WILG money be used ?

To support people to access:

- in the home
- out the home
- at work
- in education

Grant Recipient's Responsibilities

Grant recipients have the choice of who they employ to provide the care they receive under the grant scheme. They may choose to receive care from a care agency, their own personal assistant or a combination of both, dependent on their care needs. Any care agency used must be registered with the Care and Social Services Inspectorate Wales, or equivalent statutory body.

If a grant recipient chooses to employ a care agency to provide their care and support services, paid for by their grant payments, they must keep Invoices for production at a review Meeting. These Invoices must show the following information on the care services provided by an agency or agencies carers:

- the period of care covered;
- the number of hours worked;
- how much they were paid;
- how they were paid (for example by cash or by cheque),
- the hourly rate; and
- when they were paid.

A grant recipient may choose to employ their own personal assistant to provide their care and support. If they do, they take on the responsibilities of being an employer. This will include:

- Paying them at least the national minimum wage
- Pay tax and National Insurance contributions for their personal assistant(s);
- Give their personal assistant(s) holiday pay (if they work full-time, they are entitled to 28 days per year);
- Have in place employers' liability insurance (this may be through the grant recipient's normal insurance policy);
- Provide their personal assistant(s) with an employment contract.

A grant recipient may also need to pay -

- statutory sick pay;
- statutory maternity, paternity or adoption pay.

A grant recipient will need to keep records of their employment of a personal assistant(s) which they need to produce during a Review Meeting. These will cover:

- the date the personal assistant(s) began working for them;
- timesheets for each personal assistant showing the date when they worked and how many hours they worked;
- receipts confirming the amount of money paid to them;
- the HMRC records showing the tax and National Insurance contributions made;
- the personal assistant(s)' holiday entitlement and holiday pay;
- any sick leave they have taken;
- all correspondence between the grant recipient and their personal assistant(s);
- any problems the grant recipient has discussed with their personal assistant(s) and what action that has been agreed.

All these need to be signed by the personal assistant(s).

A local authority representative could ask to see records for two full tax years during the Review Meeting.

Where any of the above are not in place, social care staff should, at review, remind individuals of their responsibilities and direct them to organisations who can support them – where applicable. **Group 1 ILF Recipients**

There are a small number of ILF recipients across Wales who fall within this Group. These individuals have been in receipt of payments before eligibility was changed to include a threshold of care and support being provided by a local authority. However, a number may be known to their local authority as they might also be receiving care directly provided by said authority. ILF Nottingham will have provided each authority with details of these Group 1 recipients, including their weekly award and Bank Account details together with when payments are made.

A **Group 1** user needs to remain entitled to at least the rate of the care component of Disability Living Allowance, Attendance Allowance or Constant Attendance Allowance that they were entitled to on the 1 October 2007 or they need to be receiving the daily living component of Personal Independence Payment (PIP) or Armed Forces Independence Payment (AFIP).

Where a user is transferred from the Disability Living Allowance (DLA) to Personal Independence Payment (PIP) they will remain eligible for ILF funding provided they are in receipt of the daily living component of PIP regardless of the rate at which this is awarded. Where a user is transferred from DLA to Armed Forces Independence Payment they will remain eligible.

A **Group 2** user needs to be in receipt of the highest rate care component of Disability Living Allowance, the highest rate of Attendance Allowance or at least the financially equivalent rate of Constant Attendance Allowance or be in receipt of the daily living component of Personal Independence Payment (PIP) or Armed forces Independence Payment (AFIP).

Where a user is transferred from the Disability Living Allowance (DLA) to Personal Independence Payment (PIP) they will remain eligible for ILF funding provided they are in receipt of the daily living component of PIP regardless of the rate that this is awarded. Where a user is transferred from DLA to Armed Forces Independence Payment they will remain eligible.

Service User Contributions

Recipients of ILF have to make a contribution to the funding they received from ILF, this contribution is netted off the amount of money they received from ILF. This obligation is retained for the grant scheme, recipients are expected to make a contribution at the same level as they did under ILF unless there are very good reasons not to do so.

Users are normally expected to contribute half the care component of their DLA, half their AA or CAA or half the rate of the Daily Living component of PIP they receive towards the cost of their care. The rate of AFIP taken into account will be the same rate as half of the enhanced rate of the daily living component of PIP.

Loss or reduction of DLA/AA/PIP/AFIP

Where one of these benefits is reduced or a user ceases to be in receipt of then they have the option of requesting that this decision is reconsidered by DWP. If this is unsuccessful they can then take this to a first formal appeal.

Payments of the grant can continue where a user is requesting a reconsideration of the decision or is in the process of a first appeal. ILF payments may not continue should an

appeal to the first tier tribunal be unsuccessful even if a further appeal is subsequently made.

DLA/AA/CAA recipients are normally given one month in which to request a revision of decision or appeal against the change by DWP in their benefit, unless there has been a change in circumstances since the decision was made, in which case a new decision is sought and the one month deadline does not apply.

Where a user is transferred to PIP and the user wishes to appeal against the outcome they must request a reconsideration of the decision within one month; they subsequently have a further month to make an appeal.

Use of WILG funding

The intention of the grant scheme is to maintain the payment of awards eligible individuals were in receipt of from ILF as at 30 June 2015, whether or not actual payments were being made on that date. A number of individuals may have had their payment suspended at the time of closure of the ILF but their monies and award details will have been transferred to local authorities. The ILF made payment for individuals to achieve their agreed outcomes. These are essentially:

- Making sure that I have control over my life
- Keeping me fit and well in body and mind
- Making sure that I am safe and well
- Participating in work, learning, training and hobbies
- Maintaining relationships with my friends and family
- Supporting my unpaid carers

The user will be expected to keep clear records of how monies have been used.

Payments under WILG are meant to be used for those activities under which individuals previously qualified for under the ILF scheme. These were referred to as Qualifying Support and Services (QSS). The tasks listed below constitute QSS activities for which the grant payments can be used: QSS tasks can be carried out inside or outside the user's home as appropriate.

- Cleaning and other domestic duties
- Cooking and preparing food and drink
- Laundering and ironing
- Shopping
- Personal hygiene and grooming
- Dressing
- Eating
- Drinking

- Physical movement such as turning, walking
- Supervision in order to avoid substantial danger to him or herself or others.

WILG money should not be used for ?

- care provided by a relative living in the same house unless agreed with the Independent Living Fund or local authority and documentary evidence of this approval is available and can be provided to the local authority if required.
- adaptations and equipment
- child care
- gardening and household maintenance
- parenting
- expenses when out with personal assistant (PA)
- hydro / physiotherapy / aromatherapy
- hairdressing / chiropody

Payments

ILF Nottingham have provided each local authority in Wales details of the ILF recipients in their respective authority. This information provided shows the weekly award of each recipient, how the award is made up, this will be net of their contribution from Welfare Benefits, when payments are made and the individual's bank account details. ILF make payments 4 weeks in arrears and on an Alpha basis. That is in the first week of the month all recipients whose surnames begin with A-D will be paid. The following three weeks of the 4 week cycle are broken down as E-K, L-Q, R-Z.

ILF Nottingham have made up every recipient's ILF payment until the end of June this year. Therefore dependent on when a recipient received their monies from ILF the first payment in July 2015 from the grant may not be for the full month.

Local authorities have discretion regarding the payment date. They are required to pay on a 4 week cycle, with prior notification to the recipient.

The weekly payment a grant recipient receives, based on their payment breakdown information provided by ILF will include funding for a grant recipient to meet all statutory employment costs.

The amount of funding provided (£20.4m) is based on ILF forecasting is intended to continue to pay grant recipients at the level of funding they had received from ILF up to, and including, 30 June this year.

There is no provision within the allocated funding to increase an individual's payment or cover any "one-off" additional costs incurred by a grant recipient. The funding is solely to maintain the level of payment previously issued by ILF.

Suspended Payments

Local authorities will continue to pay a user's WILG award for 28 days from the day after they are admitted to **temporary** residential care, respite at a registered care home or during a planned hospital admission, where the user has indicated that they need the payment to continue. The local authority will continue to pay the award for up to 28 days where the user is admitted to hospital, unless the user indicates that they do not need the award to continue. This does not apply to permanent residential care. Suspensions can be maintained depending on circumstances for 9 months before the case is considered for closure, a decision to close a case is discretionary and based upon the likelihood of someone moving back into care in the community. See "Getting payments starting again" below.

Getting payments starting again

If an authority stops paying a grant recipient because they were not employing a care agency or personal assistant(s) you would normally keep their account open for a period of three months. This means that if a grant recipient starts employing a care agency or personal assistant(s) within three months, they just need to contact you to let you know the date they are going to start employing care services again and your authority can reactivate their payments.

Providing there is no change in their circumstances the authority can start paying the grant recipient their normal payments. If there has been a change in their circumstances, a visit should be arranged to make sure their care package is appropriate.

If it is going to take a grant recipient longer to sort out their care package, but they still want their local authority to be involved the grant recipient needs to contact you within the first three months to ask you to extend the time. Normally, the maximum amount of time an authority can keep a person's account open for is nine months. Under exceptional circumstances their file can be kept open for longer, this is at the authority's discretion. The grant recipient must keep in touch with their local authority to inform you what is happening.

Retention of Grant

Recipients of payments under the WILG will be permitted to retain 4 weeks payment of grant in their bank account. Any amount larger than this can only be retained if agreement has been reached between the individual and their local authority for doing so, for example paying for a scheduled holiday, to pay for respite care or for any other reasonable employment costs. Grant recipients must return to their local authority any monies in excess of 4 week's payment of WILG if there is no exceptional agreement in place with their local authority to retain more than this.

It is the responsibility of every grant recipient or their representative(s) to maintain appropriate bank account statements, Invoices and records of care services received for examination during a scheduled review visit by local authority officers. This is to ensure grant funding has been used and recorded to show monies have been spent for their intended purposes.

Review/Monitoring Visits

It is expected that during the period that the Welsh Independent Living Grant (WILG) scheme is operational, between 1 July 2015 and 31 March 2017 at least one review visit to each grant recipient is undertaken. Under the ILF scheme a review took place every two

years. All ILF recipients were reviewed in the period leading up to the scheme's closure on 30 June 2015.

Local authorities are free to combine a visit under WILG with their normal review of a person receiving non-residential social care directly or on behalf of the authority to minimise the number of visits they have to undertake.

A WILG Review visit will focus on the following key areas

- Eligibility criteria review
- Support requirement against WILG qualifying support and services (QSS)
- Evidence of how previous funding has been used
- Identification of unspent monies

Unspent Monies

Any general unspent monies a local authority accrues throughout the first grant period (1 July 2015 – 31 March 2016) should only be used towards the administration costs that the authority incur in operating the grant scheme and is not for any other usage.

Change of Circumstances/Threshold

Any change in a grant recipient's circumstances from those on which they transferred from the ILF scheme to the Welsh Independent Living Grant (WILG) must be notified to their local authority at the earliest opportunity. Should the change necessitate a review of the care and support they receive, either through an improvement in the health or an increased need for care and support this must be arranged as a matter of urgency. Any review that concludes with the level of care provided to a grant recipient by the authority falling below the set cost threshold (as previously agreed with ILF) will mean that the person will no longer be eligible to continue to receive further grant payments.

Portability

If a person receiving a payment under the grant scheme chooses to move authorities in Wales. The exporting authority must transfer to the importing authority the level of funding the individual is entitled to, in order for the payments to continue for whatever period of the initial grant scheme remains.

If a person moves from Wales to England then their entitlement to payments made under the grant scheme ends. There can be no transfer of funding between countries as England do not operate a grant scheme for ex-ILF recipients. Any such transfer would be subject to the importing local authority's assessment and care provision criteria.

If a person migrates from England to Wales they will not be eligible to payments from the grant scheme as the scheme is closed to new applications and only serves to pay individuals were resident in Wales and eligible to receive ILF as at 30 June this year.

Grant Returns

Each authority will be issued with their element of the £20.4m for the period 1 July 2015 -31 March 2016, the individual authority will receive three equal amounts of funding, in advance, for the periods July to September, October to December 2015 and January to March 2016. The amount received by each authority is based on the number of ILF recipients in each authority (as advised by ILF) and the weekly amount they each will have been paid, and how it is made up, until the ILF scheme closes on 30 June 2015.

In order to gauge the effectiveness of the grant scheme and to account for the grant monies used to pay recipients allocated to each authority a Monitoring Return will have to be submitted by each authority to the Welsh Government. The return will cover the full period of the first period of the grant scheme July 2015 – March 2016 and will show how much was paid to each eligible person for that period. The return must be signed off by the authority's Director of Social Services and Chief Finance Officer. A Monitoring Return will be issued to all local authorities in good time for completion and return.

Full records of payments to individuals should be kept by each authority from the commencement of the grant scheme on 1 July 2015 and may be kept in a format that is at the discretion of each authority. However whatever format an authority adopts it must be sufficient for audit purposes and to enable the information required to complete the Monitoring Return and for the information to be extracted accurately.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Steve Gulliford', written in a cursive style.

Steve Gulliford

Developing Policy for Children and Adults Division, Social Services and Integration
Directorate / Yr Is-adran Datblygu Polisi ar gyfer Plant ac Oedolion, Y Gyfarwyddiaeth
Gwasanaethau Cymdeithasol ac Integreiddio

E-mail: Steve.Gulliford@Wales.gsi.gov.uk

Tel No. 029 2082 3478