



## CLOSURE OF ILF

### The closure of the Independent Living Fund (ILF)

On 1 July 2015 the Independent Living Fund's funding was transferred, with no ring-fencing, to local authorities in England, and to devolved governments in Scotland, Wales, and Northern Ireland.

A Scottish Independent Living Fund (SILF) was set up for existing users, with a promise of an extra £5.5m for new users. Northern Ireland is supporting existing users through the SILF. The Welsh Independent Living Grant (WILG) maintains existing users' support at previous levels until the end of March 2018, after which it is at the discretion of councils whether to protect existing users. In England it has been a matter of councils' discretion since July 2015.

#### Reduced funding

SIA is concerned that local authorities are already reducing some people's funding, and this is likely to get worse. Local authorities are already cash-strapped, and the transferred funding will not be ring fenced, so it may disappear into more general expenditure. Future funding will be determined by the normal funding local authority formula, and the percentage of funding which goes on administrative costs is massively higher for councils than for the ILF.

#### NHS Continuing Healthcare

Many people who are now receiving ILF funding may qualify for NHS Continuing Healthcare (CHC). In general, ILF has been awarded to people with very high levels of care need, while CHC is for people whose needs are primarily health care needs: so there may be considerable overlap between these two groups.

If you are found to have a primary health care need, you will qualify for fully funded Continuing Healthcare, and the NHS will have to meet your health and care needs and any associated social care needs. You will not be asked to contribute to the costs of this (unlike social care provided by the local authority, which you may have to contribute towards). If you do not qualify for CHC, the NHS may still contribute to a jointly funded care package, but if this happens you will still have to contribute towards the council funded part of the joint package.

Since April 2014, in England only, people who are on full CHC have had a "right to ask" the NHS for Personal Health Budgets, including Direct Payments (where the funding goes to a bank account controlled by you or by somebody acting on your behalf, so that you can choose the service you prefer, employ your own staff, or meet your agreed needs in other ways). Since October 2014 people on full CHC in England have had a "right to have" Personal Health Budgets (with or without Direct Payments) if you want to, as long as it is an effective and cost-effective way of meeting your

needs.

SIA's NHS Continuing Healthcare Advice Service can give you information about qualifying for CHC. [Click here for more information about NHS Continuing Healthcare.](#)

#### **Local authority social care**

If you do not qualify for fully funded CHC, the council **must** assess your support needs, and once they have decided that your needs are eligible for help from social services, they **must** meet your eligible needs. It is very important that you make social care staff who are involved in your assessment fully aware of all of your needs in as much detail as possible. Make sure you explain the consequences if your needs are not met, including any longer term knock-on effects that would be likely without sufficient care, e.g. pressure ulcers, social isolation, etc. As a spinal cord injured person, you have a far better understanding than they do of the complexity of your spinal cord injury and the care you need: share it with them.

Generally speaking, councils must offer you Direct Payments (where the funding goes to a bank account controlled by you or by somebody acting on your behalf, so that you can choose the service you prefer or employ your own staff). If the support you are using now is more expensive than the agencies the council normally uses, you will probably need to justify why this is necessary: councils are allowed to take costs into account, but they must also take into account your preferences, and the nature of your needs.

[Click here for more information about social care eligibility, assessments and direct payments.](#)

#### **Joint funding**

Some people who do not get 100% NHS funded Continuing Healthcare will nevertheless be found to have some health needs, and will get joint funding from the NHS and from their local authority. They will have a right to direct payments for their local council funded social care needs, if they choose to use a direct payment, but they will not have a right to a direct payment for meeting their NHS funded health needs. The NHS does, however, have discretion to offer direct payments to people in this situation.

#### **Challenges to closure**

The first time the government decided to close the ILF, some ILF users took legal action to challenge them. The courts ruled that this decision was unlawful and ordered that the government must reconsider it. The Minister of State for Disabled People duly reconsidered, but still decided to close the fund. Despite a second legal challenge, with support from the Equality and Human Rights Commission, the court decided it was now lawful to close the fund, and refused to allow any further appeals. At that time the Green party committed to restoring the ILF.

Following the publication of Inclusion London's report, "One Year On: Evaluating The Impact Of The Closure Of The Independent Living Fund", which showed that the ILF closure resulted in "substantial" cuts to disabled people's care packages, senior figures in the Labour and Green parties pledged to introduce a national, free, needs-led system of support.

### Support from SIA

If you want any further information or advice about these issues or anything else to do with social services support from your local council, telephone Simon Legg, Social Care Adviser, on 07535 774135 (or via the SIA Freephone Advice Line on 0800 9800501 or the main office on 01908 604 191) or email [s.legg@spinal.co.uk](mailto:s.legg@spinal.co.uk).

For information about qualifying for NHS Continuing Healthcare or challenging decisions about health needs, please e-mail Brian O'Shea, Continuing Healthcare Adviser, at [b.oshea@spinal.co.uk](mailto:b.oshea@spinal.co.uk), or call him on 0845 678 6633 or via the SIA Freephone Advice Line on 0800 9800501 or the main office on 01908 604 191.

---

### Disclaimer

This factsheet has been prepared by SIA and contains general advice only which we hope will be of use to you. Nothing in this factsheet should be construed as the giving of specific advice and it should not be relied on as a basis for any decision or action. SIA does not accept any liability arising from its use. We aim to ensure the information is as up-to-date and accurate as possible, but please be warned that certain areas are subject to change from time to time. Please note that the inclusion of named agencies, companies, products, services or publications in this factsheet does not constitute a recommendation or endorsement by SIA.

---

Revised February 2017

## ABOUT SIA

The Spinal Injuries Association (SIA) is the leading national user-led charity for spinal cord injured (SCI) people. Being user led, we are well placed to understand the everyday needs of living with spinal cord injury and are here to meet those needs by providing key services to share information and experiences, and to campaign for change ensuring each person can lead a full and active life. We are here to support you from the moment your spinal cord injury happens, and for the rest of your life.

For more information contact us via the following:

Spinal Injuries Association  
SIA House  
2 Trueman Place  
Oldbrook  
Milton Keynes  
MK6 2HH

**T:** 01908 604 191 (Mon – Fri 9am – 5pm)

**T:** 0800 980 0501 (Freephone Advice Line, Mon – Fri, 11am – 1pm/2pm – 4.30pm)

**W:** [www.spinal.co.uk](http://www.spinal.co.uk)

**E:** [sia@spinal.co.uk](mailto:sia@spinal.co.uk)

Charity No: 1054097

Brought to you by:



**Slater  
Gordon**  
Lawyers



# PLEASE SUPPORT SIA

**SIA relies on fundraising, donations and gifts in wills to provide services that help spinal cord injured people rebuild their lives.**

With your help, we can provide the right support to spinal cord injured people and their families and friends so they can enjoy a full and independent life after injury. Your donation today will go towards changing someone's life.

I would like to give: £15  £20  £53  other amount £.....

### Method of payment

I enclose a cheque/postal order/CAF voucher made payable to Spinal Injuries Association.

I would like to pay by Mastercard/Visa/Maestro/Switch (delete as appropriate)

Card number

Start date

Expiry Date

Security Code

Signature ...../...../

Date

Name.....

Address .....

.....

Postcode ..... Tel no.....

Email address.....

Please gift aid my donation

If you tick the box it means for every £1 you donate we can claim an extra 25p from the taxman, at no extra cost to you. You need to pay an amount of income tax or capital gains tax at least equal to the tax we reclaim from HM Revenue and Customs – currently 25p in every £1 you give.

Please send your donation to: FREEPOST SPINAL INJURIES ASSOCIATION or you can donate online at [www.spinal.co.uk](http://www.spinal.co.uk)

**Thank you for your support!**