

# **BRIEFING NOTE**

## **Agenda Item No 10**

**TO:** Social Care and Inclusion Panel

**DATE:** 9 January 2014

### **UPDATE REGARDING INDEPENDENT LIVING FUND FOLLOWING COURT OF APPEAL DECISION**

#### **Purpose**

This update provides further information regarding the decision by the Court of Appeal on 6 November 2013 regarding the proposed closure of the Independent Living Fund

#### **Court of Appeal decision**

As a result of a hearing in the Court of Appeal on 6 November 2013, the Government is required to review its decision to close the ILF and to transfer funding to Local Councils in March 2015. This will have direct implications for Walsall Council and ILF recipients.

The Court of Appeal ruled that the Department for Work and Pensions (DWP) had acted unlawfully in its decision to close the fund, without complying with its duty to promote equality for disabled people. The Court judged that the briefings given to the minister by DWP officials did not make clear the impact the closure of the ILF could have on people with a disability.

The Government have indicated their disappointment at the decision and their intention to examine the judgement carefully before deciding on a way forward including whether or not to appeal the decision.

The DWP have informed the ILF that any and all closure related activity must stop with immediate effect. The Council has been informed that the ILF are working with DWP whilst they consider the implications of the decision and any actions that need to be taken. The ILF are communicating directly with people still in receipt of the fund and will keep local authorities informed

The implication of this decision, as it currently stands, is that the block funding identified to be passported to the local authority in March 2015 will now not be transferred. The current situation is that ILF recipients will continue to receive payments as normal.

#### **Implications for Walsall and ILF clients**

Both the Council and the ILF clients are awaiting further clarification of the full implications of the Court of Appeal decision. It is unclear as to whether the ruling may mean that the fund is still closed to new applicants.

It is not clear yet whether the Government will appeal the decision. Any appeal by the Government and any impact will be reported to the local authority from the ILF. It is Walsall's assumption that if the Government successfully appeals the decision then the original timetable to close the fund by 1 April 2015 will still stand.

## **Current activity**

Walsall are in regular contact with the ILF, and whilst specific work regarding the cessation of the fund has now ceased, ILF will continue, in conjunction with the Council to conduct reviews for everyone in receipt of ILF funding. The Council will endeavour to maintain quality of life for the individuals in receipt of ILF funding by working with them to optimise their support packages to meet their eligible needs.

## **Recommendations**

Scrutiny is asked to note the contents of this briefing.

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