

# Interim Report: Petition P-05-771 Reconsider the closure of the Welsh Independent Living Grant and support disabled people to live independently

February 2019

## 1. Introduction

This report summarises the evidence received by the Petitions Committee during its consideration of a petition calling for the Welsh Government to reverse its decision to close the Welsh Independent Living Grant. The Committee intends to publish a final report once it has conducted further scrutiny of this issue.

### The petition

1. Petition P-05-771 Reconsider the closure of the Welsh Independent Living Grant and support disabled people to live independently was submitted in July 2017 by Nathan Lee Davies, having collected a total of 631 signatures, 324 using the Assembly's website and 307 on a paper petition.
2. The petition was considered by the Petitions Committee for the first time on 3 October 2017.



**Petition Text:**

I am a recipient of the Welsh Independent Living Grant (WILG) and a disability activist who intends on asking Welsh Government to reconsider their decision to close WILG as of April 2019.

The WILG was introduced to help people who previously claimed from the UK government's Independent Living Fund (ILF), which closed in 2015. More than 1,500 people are helped by the scheme across Wales. Recipients all have high degree of care and support needs.

It was due to run until the end of March 2017, but Social Services Minister Rebecca Evans said in November that funding would continue for another year.

The annual £27m fund will then transfer directly to local authorities during 2018-19 so they can meet the support needs of all former ILF recipients by 31 March 2019.

**Additional information:**

Why we oppose this decision:

The Welsh Government said the decision was taken on stakeholder advice. The majority of representatives on the stakeholder group were third sector or citizens. But they didn't want WILG scrapped and the key point is that our advice was not accepted.

It should also be remembered that closure of WILG is not inevitable as is proved through the formation and success of the Scottish Independent Living Fund; which also works to support the Northern Ireland ILF.

Furthermore, the hugely popular Labour Party Manifesto outlined plans to set up a national care system to exist independently of local authorities.

This is exactly the time that the Labour Party should be united on such issues against the Tories. We must question why Welsh Labour are not playing their part in the changing political landscape?

Indeed, eventually it should be our aim to set up an Independent Living Fund for Wales so that no disabled person should have to suffer the same uncertainty and isolation as WILG recipients are now experiencing. We can only begin to believe that true social justice and equality for all is possible if Welsh Labour revisit their WILG decision.

Welsh Labour will no doubt argue that we should give the Social Services and Well-being (Wales) Act a chance to succeed. However, this idealistic act needs hefty investment and resources to ensure it is a success – with no sign of any of the necessary improvements to our infrastructure that the success of the Act depends on. This may indeed be the time for a revolutionary change in the way social care is delivered, but such a transformation could take a decade or more and WILG recipients do not deserve to be treated like guinea pigs when their high care and support needs require long-term stability and structure.<sup>1</sup>

## 2. Background

**3.** The Independent Living Fund (ILF) was set up in 1988 as a UK-wide scheme to help people with day and night care needs who receive the higher rate care component of Disability Living Allowance. It was aimed at disabled people with relatively high support needs as an alternative to residential care and it was provided in addition to local authority social care services.

**4.** The ILF operated as an independent discretionary trust funded by the Department for Work and Pensions and was managed by a board of trustees. Recipients used the money to purchase support services, particularly personal assistants, in a similar way to Direct Payments.

**5.** In December 2010, the Minister for Disabled People of the UK Government announced that the ILF was to be closed to new applications. In March 2014, following a consultation on the future of the Fund, it was announced that the ILF would be closed permanently on 30 June 2015.<sup>2</sup> As a result, from 1 July 2015 the funding and responsibility of ILF care and support needs was transferred to local authorities in England and the devolved administrations in Wales, Scotland and Northern Ireland. The Welsh Government has emphasised that this decision was taken without any prior discussion or notification with devolved administrations.<sup>3</sup>

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<sup>1</sup> [P-05-771 Reconsider the closure of the Welsh Independent Living Grant and support disabled people to live independently](#)

<sup>2</sup> The closure of the scheme was initially announced in December 2012. However, in November 2013 the Court of Appeal upheld a legal challenge against the UK Government on the basis that it had failed to meet its Equality Duty in the consultation on the future of the ILF and in its decision to close it. Subsequently, the Department for Work and Pensions undertook a new equality impact assessment prior to the March 2014 announcement.

<sup>3</sup> Welsh Government, What happens when the Independent Living Fund closes? Consultation – summary of responses, March 2015 (published within correspondence from the [Minister for Children and Social Care to the Committee](#), 14 November 2017 (PDF 3MB))

**6.** The UK Government transferred a fixed annual sum of £27 million to the Welsh Government for the support of former ILF recipients. The Welsh Government ran a public consultation in late 2014 and established the Welsh Independent Living Grant (WILG) on 1 July 2015. Under this, local authorities in Wales administered the WILG and payments continued to be made to former ILF recipients. However it has remained closed to new applicants since this time and the Welsh Government stated at the outset that it was a temporary arrangement to enable it to consider future arrangements for supporting recipients.

**7.** In November 2016, the Welsh Government announced its decision that the WILG would close in March 2019 and that responsibility and funding would be transferred to local authorities. As part of this all recipients would be assessed by their local authority for their care and support needs by March 2018 (this was later extended to September 2018).

**8.** The Minister also decided that there would be a transition period, during which the WILG would continue to make payments to former ILF recipients until funding was transferred to local authority budgets through their normal funding mechanisms.

**9.** From April 2018 the Welsh Government transferred the full £27 million funding to the Revenue Support Grant for local authorities, to be used to provide social care services to former recipients as part of mainstream local authority provision. It is therefore not ring-fenced. Since this time, local authorities have been agreeing packages of care with WILG recipients so that they can transfer from the WILG to local authority provision. The process is to be concluded by 31 March 2019.

### 3. Consideration by the Petitions Committee

**10.** The Petitions Committee has considered by the petition on a number occasions since it was initially referred to the Committee in October 2017. During this time the Committee has considered written evidence from the petitioner, the Welsh Government and other stakeholders, including other people affected by the decision to close the WILG. The Committee also held evidence sessions during June 2018 with the petitioner and his supporters, and the then Minister for Children, Older People and Social Care, Huw Irranca-Davies AM.

**11.** The remainder of this report considers the evidence heard by the Committee in relation to several key issues.

## Decision-making process

**12.** During the Committee’s initial discussion, Members considered an initial response from the then Minister for Social Services and Public Health, Rebecca Evans AM. This stated that the WILG was introduced following the UK Government’s closure of the ILF, and subsequent transfer of responsibility for the scheme to the Welsh Government, in order to provide continuity of support to recipients of the ILF in the short-term, whilst the Welsh Government considered:

“[...] the most appropriate way to provide support to recipients in the longer-term, so as continue their ability to live independently.”<sup>4</sup>

**13.** A public consultation held between October and December 2014 had sought views on four options:

- Option 1: Setting up a successor body to the ILF in Wales;
- Option 2: Setting up a national independent living scheme in Wales;
- Option 3: Transferring responsibility and funding to local authorities in Wales through their normal funding mechanisms
- Option 4: Transferring responsibility and funding to local authorities in Wales via a special grant with conditions set by the Welsh Government.

**14.** A stakeholder advisory group was also established to consider these options in greater detail and provide advice to inform the Minister’s decisions. The group contained representation from organisations representing disabled people, local authorities and some recipients of the ILF/WILG. The Minister emphasised:

“[...] we wanted advice from those who fully appreciated the outcomes disabled people seek and what they required from the arrangements we were to put in place to support their independent living.”

**15.** The Minister also challenged the statement made in the petition that the advisory group “didn’t want WILG scrapped”. She told the Committee that the group had accepted that the WILG could only ever be a temporary solution, and that:

“[...] the advisory group on balance favoured the option of future support being provided by local authorities as part of their social care provision.

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<sup>4</sup> Minister for Social Services and Public Health to the Committee, 21 August 2017

None of the members of the advisory group opposed this recommendation.”<sup>5</sup>

**16.** The petitioner has challenged these assertions. He told the Committee that he has spoken to several members of the advisory group who “did oppose LA [local authority] provision”.<sup>6</sup>

**17.** During an evidence session held in June 2018, the Committee put this point to the Minister who had taken over responsibility for social services policy, Huw Irranca-Davies AM. The Minister responded:

“Yes, it’s absolutely clear that this was a consensus position. It was an on-balance decision. There wasn’t unanimity, Chair, and we accept that. We always did, because there were different views around the table. But the clear consensus—and that actually filtered through, then, in the advice that came to my predecessor Ministers—was: [...] that the right way to remove the inequity of the two tiers, and also to avoid the costs that would come with setting up a whole administrative system or buying into an agency like the Scottish ILF, to avoid those, this was the right way forward.”<sup>7</sup>

**18.** The Committee requested copies of a number of documents related to the Welsh Government’s decision-making including: minutes of advisory group meetings; a summary of the public consultation carried out in 2014; and the Equality Impact Assessment (EIA) relating to the decision.

**19.** In response the Minister provided a summary of the consultation exercise and the EIA. The Committee was told that no formal minutes had been taken of stakeholder advisory group meetings and, instead, summary emails were sent to members setting out “agreed action points arising”.<sup>8</sup>

**20.** 281 responses were received to the Welsh Government’s consultation on the future of the ILF in Wales. The summary of responses acknowledges that a large number of respondents were in favour of creating a successor scheme to the ILF in Wales, on the basis that the funding supports recipients to live as independent a life as possible. Similarly, the proposal to transfer the responsibility for meeting the support needs of ILF recipients to local authorities, with funding transferred into the Revenue Support Grant, “received little support other than from local

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<sup>5</sup> [Minister for Social Services and Public Health to the Committee](#), 21 August 2017

<sup>6</sup> [Petitioner to the Committee](#), 28 September 2017

<sup>7</sup> [Record of Proceedings, 19 June 2018](#), para. 180

<sup>8</sup> [Minister for Children and Social Care to the Committee](#), 14 November 2017

authorities". The summary reports that this option was not supported by recipients of ILF funding due to a lack of faith in the ability of local authorities to provide the support desired and a fear that current funding levels would not be maintained. These comments closely mirror the concern expressed throughout the Committee's consideration of the petition, by the petitioner and others.

**21.** However, it is clear that there was a divide between the views expressed by the two primary groups responding to the consultation:

"The views expressed and support given for the four options are quite clear. Support for Options 1 & 2 came largely from ILF recipients, their carers, family or representatives. Options 2 [sic] & 4 gained their support, in the main, from local authorities and their representative bodies."<sup>9</sup>

## The decision

**22.** In her initial response to the Petitions Committee in October 2017, the then Minister for Social Services and Public Health summarised the Welsh Government's decision as follows:

"I accepted the stakeholder advisory group's advice to have support to former ILF recipients in Wales provided in future by local authorities as part of their social care provision. To put this into place the advisory group also recommended that there should be a two year transitional period, whereby in the first year authorities establish all recipients' desired well-being outcomes and agree with them the support they require to achieve these. In the second year recipients would transfer over to receiving all of their support from their local authority, with their payments under the WILG ceasing at the point at which this occurred. I also accepted this recommendation in full, with as a result the transitional period commencing from 1 April this year and due to conclude on 31 March 2019."<sup>10</sup>

**23.** The Minister described several reasons for the Welsh Government's decision to pass the responsibility and funding for supporting WILG recipients to local authorities. She noted that these reasons had been accepted or supported by the stakeholder advisory group.

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<sup>9</sup> Welsh Government, What happens when the Independent Living Fund closes? Consultation – summary of responses, March 2015 (published within correspondence from the Minister for Children and Social Care to the Committee, 14 November 2017)

<sup>10</sup> Minister for Social Services and Public Health to the Committee, 21 August 2017

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**24.** The first was to ensure that future support for former recipients would be consistent with that being provided generally to disabled and older people in Wales. In this regard, the Minister referred to changes being made by the Social Services and Well-being (Wales) Act 2014 to “the way people’s needs are assessed and the way support is delivered”, including for people to have increased input into the care and support they require and the outcomes they wish to achieve. The Minister described these changes as “being similar to the ethos behind the original establishment of the ILF”.<sup>11</sup>

**25.** A second, related rationale was to remove an “inequitable two-tier approach” under which some disabled people received support from their local authority, while others received this and dedicated payments from the WILG.<sup>12</sup> The EIA concluded that equality of opportunity would be advanced as a result of the removal of the two-tier system of providing support to disabled people.<sup>13</sup> As the Minister for Children, Older People and Social Care, Huw Irranca-Davies AM, told the Committee in November 2018:

“[...] hence the objective of this transition, and of the support reviews being undertaken within it, is to ensure all disabled people are empowered in a consistent way to be able to live independently in a manner that is appropriate in their particular circumstances.”<sup>14</sup>

**26.** This was supported by Conwy and Torfaen County Borough Councils in their responses to the Committee’s call for evidence. Torfaen Council stated that transferring responsibility to local authorities would enable “a more equitable approach as everyone is assessed in the same way under the SSWB Act”. They also argued that the transfer should have been carried out sooner as the protracted nature of the decision and transfer had “caused some uncertainty and confusion” and had also been administratively onerous.<sup>15</sup>

**27.** In response, the petitioner has argued that a fairer solution to the issue of a “two-tier system” would be to open up the WILG, or a successor scheme, to new applicants who met the criteria for support.

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<sup>11</sup> [Minister for Social Services and Public Health to the Committee, 21 August 2017](#)

<sup>12</sup> [Minister for Social Services and Public Health to the Committee, 21 August 2017](#)

<sup>13</sup> [Welsh Government, Equality Impact Assessment, 27 October 2016 \(published in correspondence from the Minister for Children and Social Care to the Committee, 14 November 2017\)](#)

<sup>14</sup> [Minister for Children, Older People and Social Care to the Committee, 22 November 2018](#)

<sup>15</sup> [Torfaen County Borough Council to the Committee, 4 September 2018](#)

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**28.** The Equality Impact Assessment conducted by the Welsh Government in October 2016 concluded that the decision would have a positive impact in relation to equality and human rights because:

“Recipients in future will be supported by their local authority based on the well-being outcomes they are seeking to achieve. These will directly support their independent living. As such the rights of recipients to live as they wish will be upheld.”<sup>16</sup>

**29.** However, it has been noted by Luke Clements, a Professor of Law and Social Justice at the University of Leeds, and Ann James, a retired social worker and social work academic, that the Welsh Government’s rationale for closing the WILG and transferring support to local authorities are broadly comparable to the arguments used by the UK Government in relation to the original decision to close the ILF. They describe:

“[...] an overly optimistic view of what the 2014 Act will deliver following the closure of the WILG in 2019. It also fails to acknowledge and consider the potential adverse effect on individuals who may have significant changes to provision and how this will be addressed to ensure the recipients right to Independent Living.”<sup>17</sup>

**30.** They also referred the Committee to a paper they had written which examines the closure of the WILG. This refers to the specific circumstances in which social services are provided in Wales:

“Wales has a high proportion of relatively small local authorities – and for many of these councils the budgetary impact of funding a disabled person with profound impairments can be substantial. Austerity measures over the last 8 years has left many Local Authorities in Wales (and in England) facing immense challenges in ensuring that they meet their statutory obligations to disabled people in need of care and support. It is in this context, that there is a high likelihood that the needs of disabled people with profound impairments may be severely

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<sup>16</sup> Welsh Government, Equality Impact Assessment, 27 October 2016 (published in correspondence from the Minister for Children and Social Care to the Committee, 14 November 2017)

<sup>17</sup> Luke Clements and Ann James to the Committee, 16 August 2018

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compromised. It is for this reason (among many others) that there continues to be a need for a Wales wide ILF scheme.”<sup>18</sup>

## Concerns raised by the petitioner

**31.** The primary concerns raised by the petitioner and others relate to a fear about the impact of transferring responsibility for supporting former ILF recipients to local authorities. In particular, these relate to the financial ability and resources of local authorities, particularly during a time of austerity, to adequately replicate the focus on independent living promoted by the ILF and WILG.

**32.** The concerns also related, however, to previous experiences of working with or receiving services from local authorities. This included a concern held by the petitioner about an understanding of the term “independent living” itself:

“It is no secret that a Medical Model attitude towards disabled people remains endemic and institutionalised across the public sector and it is clear from the regional needs assessments and particularly Social Care Wales’ summary report, that there is no understanding of the distinction between ‘being independent’ [meaning managing without support] and ‘Independent Living’ that Welsh Government have formally accepted as meaning disabled people living the lives they choose, in the way they choose and supported how, when, where and by whom they choose.”<sup>19</sup>

**33.** The petitioner also expressed a concern over the likelihood of the aims of the Social Services and Well-being (Wales) Act 2014 becoming a reality across Wales:

“[...] it is the experience of disabled people and unpaid Carers that some local authorities simply cannot be trusted to translate the 2014 Social Services and Well-being Act into genuine independent living for those who require high levels of support.”<sup>20</sup>

**34.** In response, the Minister for Children and Social Care told the Committee that he did “not recognise the extent of the concerns” and that:

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<sup>18</sup> Ann James and Luke Clements, Closure of the Welsh Independent Living Grant: In the cause of equality of provision for disabled people?, published in Rhydian: Wales Social Welfare Law on-line (2018) 23-26

<sup>19</sup> Petitioner to the Committee, 29 January 2018

<sup>20</sup> Petitioner to the Committee, 29 January 2018

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“The decisions we have taken have not sought to prevent disabled people in Wales from living independently at home, or to reduce the support for which they are entitled. As a government we have sought to support this right to live independently through the 2014 Act, where we are changing the emphasis upon the way people are supported to give them more voice and control over the care and support they require to meet the wellbeing outcomes they wish to achieve.”<sup>21</sup>

**35.** The Minister outlined the “tangible action” the Welsh Government is taking to help to deliver this aim, which included work by Social Care Wales to train and support the social care workforce and a formal independent evaluation of the Act. He referred to:

“[...] many signs of this becoming standard practice across Wales to the benefit of those who rely on support, which in turn will have a positive effect on the future support packages which are being agreed for WILG recipients.”<sup>22</sup>

**36.** Another further concern expressed by the petitioner related to a loss of the “tripartite structure” within the operation of the ILF (he also noted that this element was not fully replicated within the WILG). This incorporated the recipient of funding, social workers employed by the central administration of the fund and the local authority in making assessments and reaching decisions about care and support. He explained that:

“[...] the other element of the Independent Living Fund was that independent Social Workers carried out the assessments and reviews so that disabled people felt protected by the independent oversight of a qualified and experienced social worker who could not be intimidated by the local authority.”<sup>23</sup>

**37.** In response, the Minister explained that the new approach to delivering social services that would result from the 2014 Act would negate some of this concern. He cited rights that individuals have to request reassessment of their needs, considering whether a different practitioner should carry out the reassessment, and to independent advocacy. The Minister argued that it is

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<sup>21</sup> [Minister for Children and Social Care to the Committee](#), 20 March 2018

<sup>22</sup> [Minister for Children and Social Care to the Committee](#), 20 March 2018

<sup>23</sup> [Petitioner to the Committee](#), 29 January 2018

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therefore difficult to make the comparison with England where many of these aspects, including the transition period, were not in place.<sup>24</sup>

**38.** The petitioner has also argued that insufficient consideration appears to have been given to some of the alternative solutions, including whether a permanent ILF should have been established in Wales.

**39.** The petitioner's evidence also referred to the fact that the Scottish Government took the decision to establish the Independent Living Fund Scotland to replace the ILF following its devolution. Due to a deal reached with the Northern Ireland Government, former recipients of the ILF in Northern Ireland also have access to continued funding, with administration carried out by ILF Scotland.

**40.** The Minister told the Committee in June 2018 that there were several reasons for not taking this approach in Wales. Firstly, these included concerns over the capacity of ILF Scotland to take it on at that time due to fact that they were already in discussions in Northern Ireland, though the Minister accepted that this could have changed over time. Secondly, the Minister indicated that administration costs were also a factor:

“The other aspect that is really pertinent to this is the sums of money involved [...] So, the initial set-up costs—they were estimates that were based on discussions with ILF Scotland—were around £200,000 for setting-up costs. So, that would be one element of funding. And the other thing was the annual running cost. The annual running cost was estimated at around £800,000 a year. Now, bear in mind we're talking about a scheme that closed in 2010 with a sum of money of £27 million that is not index linked et cetera, et cetera, [...] This is one of the reasons why the advisory group, then, in their advice to Minister said, 'Actually, we've looked at that and it's not the option we want to take forward'.”<sup>25</sup>

**41.** In comparison, the Minister stated that the additional administrative costs of the option chosen - passing responsibility and funding to local authorities - are marginal due to the fact that the majority of WILG recipients already receive services and assessments from their local authority.

**42.** Finally, the petitioner has made a number of references to the experience and impact of the earlier closure of the ILF in England, as reported by several studies. He referred to findings including:

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<sup>24</sup> Record of Proceedings, 19 June 2018, paras. 211-221

<sup>25</sup> Record of Proceedings, 19 June 2018, para. 185

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“[...] that former recipients of the ILF in England experienced a loss of support, a greater reliance on unpaid care and an ‘adverse’ impact on their physical and mental health after its closure.”<sup>26</sup>

**43.** Ann James and Luke Clements state “The analysis and studies of the impact of the closure on ILF in England are bound to give concern to WILG recipients in Wales”. They state that these findings relate to concern and anxiety amongst recipients, reduction in levels of support for some resulting in a loss of independence, and a “post-code lottery” in terms of the support provided following the change (both in relation to local authority and NHS-provided support).<sup>27</sup>

### Transition process

**44.** Throughout much of the time that the Committee has been considering the petition, the transition process from the WILG to support being provided by local authorities has been underway. The petitioner referred to the process as “very, very stressful” from a personal perspective and indicated that he felt he had been put under pressure by his local authority. He referred to comments made by a previous social worker that “without WILG, I’d only be getting 30 hours a week” and stated that he had been put under time pressure to participate in the assessment process:

“Also, about transition, one thing I should make clear is that once I heard from my social worker earlier last month, they wanted to come round and see me within two weeks. I said, ‘Well, that won’t be possible because I’m so busy with the campaign, obviously.’ Then, I get an e-mail back from the social worker saying that if I don’t comply and if I don’t meet the social worker before 31 May, then they would have to consider stopping my direct payments.”<sup>28</sup>

**45.** The Committee received information from Learning Disability Wales focusing on the experience of 29 year old Sonny, who has a learning disability. This outlined the journey Sonny and his mother had been on to secure funding from the ILF in the first place and the benefit this funding had in supporting Sonny to live independently. Sonny’s mother Jackie told the Committee that:

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<sup>26</sup> [Petitioner to the Committee](#), 16 October 2018

<sup>27</sup> Ann James and Luke Clements, [Closure of the Welsh Independent Living Grant: In the cause of equality of provision for disabled people?](#), published in Rhydian: Wales Social Welfare Law on-line (2018) 23-26

<sup>28</sup> Record of Proceedings, [5 June 2018](#), para. 286

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“His support and services need to be maintained otherwise they will be taking away his independence, his well-being, his support, his happiness.”<sup>29</sup>

**46.** Trevor Palmer, a recipient of the ILF and WILG wrote to the Committee to outline the impact that the transition had on him:

“As a disabled person who requires support to get around and live independently I was able to pursue some voluntary activities and personal interests with the ILF & WILG support. Earlier this year my local authority reviewed my support and it has now been cut by sixty percent. This has had a dramatic effect on not only my life but my family and others.”<sup>30</sup>

**47.** Torfaen Council provided information to the Committee about the transition process from their perspective:

“The biggest area of concern has been the staffing implications for vulnerable individuals and their carers to manage on top of a change management process that has had the potential to change the levels of independence people aspire to and hence the routines and familiarity of their daily lives. The main staffing issues being, pay, redundancy and other employment issues for those individuals who have employed staff. There are limited resources and understanding available from sources independent of the local authority in order for people to find the most appropriate support with employment matters.”<sup>31</sup>

**48.** The Council stated that most people they were supporting through the transition had opted to access Direct Payments to enable them to continue to employ staff directly, though Conwy Council have said that some recipients of WILG have welcomed the opportunity to take on less direct responsibility for managing the financial side of that grant in future.<sup>32</sup>

**49.** Both councils also indicated that the existence of the Welsh Government’s maximum weekly charge for non-residential care had, in some cases, meant that contributions required from individuals to the cost of their care had reduced as a result of the transition.

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<sup>29</sup> [Learning Disability Wales to the Committee](#), 11 September 2018

<sup>30</sup> [Trevor Palmer to the Committee](#), 23 August 2018

<sup>31</sup> [Torfaen County Borough Council to the Committee](#), 4 September 2018

<sup>32</sup> [Conwy County Borough Council to the Committee](#), 14 September 2018

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**50.** In November 2018, the Minister for Children, Older People and Social Care updated the Committee on the transition process. Quarterly monitoring data provided by local authorities demonstrated that, of the 1,336 people who were originally in receipt of payments under the WILG:

- 1,242 (93%) had completed or were in the process of completing their support review with their local authority;
- 54% had agreed their future support package and were receiving this through their local authority;
- Three-quarters of those (74%) were receiving support of a similar level and nature to that they had been receiving under the WILG;
- 14% of those reviewed had their level of support increased;
- 12% of those reviewed had their levels of support from the local authority reduced;
- 64 people had not begun a support review at that time.

**51.** Given this, the Minister argued that this would be difficult, and potentially counterproductive, to reverse the decision to close the WILG at this stage:

“Given [...] the support for the majority of the disabled people affected by this transition is now being provided through their local authority, it is difficult to see how this could now be unpicked to reinstate the WILG as Mr Davies’ petitions without creating turmoil for those who have been through this transition.”

**52.** However, the Minister announced that he had asked local authorities in Wales to undertake a ‘deep dive review’ of all cases where there is an intention to reduce direct support to the person, and to provide assurances that any changes made “do not impact on people’s ability to live independently in the community”.<sup>33</sup>

**53.** In December 2018 the Committee requested a copy of the output of this review, as well as details of any action that the Welsh Government would be taking as a result. The new Deputy Minister for Health and Social Services Julie Morgan AM, who had recently taken on responsibility for policy in this area, responded in January 2019 to provide a copy and an accompanying narrative.

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<sup>33</sup> [Minister for Children, Older People and Social Care to the Committee](#), 22 November 2018

**54.** This showed that a reduction in the former WILG element of an individual's support was proposed in 157 cases. For most people the reported reduction is equivalent to between 1 and 14 hours per week (92 cases). However, in 46 cases the reduction in support related to 15 hours or more.

**55.** The reasons for, and scale of this reduction, varied from individual to individual. The Minister stated most could be summarised as

- “a change in the method or type of support being provided;
- a number of cases where a person now required healthcare rather than social care; and
- instances where changes were proposed to the commissioning arrangements for care due to the full value of funding not being utilised previously.”<sup>34</sup>

**56.** The summary of the ‘deep dive review’ indicated that, in some of the situations where people had experienced a greater drop in support, this was down to an increased use of technology such as telecare and changes in family circumstances. Understandably, it is not clear from the information provided to the Committee how many of these changes were at the instigation or to the satisfaction of the person receiving care.

**57.** It is also apparent from the summary that there is a significant variation between the percentage of recipients who have had their support reduced in this way between different local authorities.

**58.** For example, amongst local authorities which had reviewed the care of at least 30 WILG recipients, Anglesey had not reduced the level of support in any cases (from 33 individuals), Powys had done so in just a single case out of 62 (1.6%) and Flintshire in 2 of 82 (2.4%). In contrast, Neath Port Talbot and Pembrokeshire had both reduced support for 11 recipients out of 30 they had assessed (36.7%) and Wrexham from 24 out of a total of 58 (41.2%).<sup>35</sup>

**59.** The Deputy Minister informed the Committee that she would be meeting personally with the petitioner later that month and that she would:

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<sup>34</sup> Deputy Minister for Health and Social Services to the Chair, 17 January 2019

<sup>35</sup> Welsh Government, Summary of Outcome - Deep Dive Reviews by Local Authorities in Connection with the Welsh Independent Living Grant (WILG), October/November 2018

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“[...] decide what further action may need to be taken to ensure the transfer is effective in supporting independent living.”<sup>36</sup>

## Current position

**60.** The Petitions Committee considered the results of the “deep dive review” and a draft report of the evidence it had received at a meeting on 12 February 2019. The Committee agreed to publish this interim report as a summary of the evidence it had received and to hold a further evidence session with the Deputy Minister for Health and Social Services at the earliest opportunity. The Committee intends to produce a final report on this petition following this.

**61.** Also on 12 February 2019, the Deputy Minister published a written statement on the Welsh Independent Living Grant. This acknowledges that “reassessment has caused tension in some cases” and that:

“[...] 13 per cent of people at that point had experienced a reduction in hours of support and although in many cases these reduced hours had been agreed by all parties, some people were unhappy with their situation. Considerable local variation is evident, with the percentage of former ILF recipients within a local authority whose hours of care have reduced ranging from 0% to 42%.

I have considered the available evidence and concluded that the variation between local authorities warrants a change in direction. I have therefore written to local government leaders to request a pause of the transition with immediate effect in order to bring in revised arrangements.

The details of new arrangements need to be worked through with local authorities, but the key elements I am seeking to secure are that:

- An independent social work assessment will be offered to all former ILF recipients who are unhappy with their care and support package and would like a second opinion. This independent view will mirror the arrangements that existed under the ILF and so will restore a tripartite decision making system;
- Welsh Government will provide additional funding to local authorities for the cost of independent social workers and additional care hours that may result from these independent

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<sup>36</sup> Deputy Minister for Health and Social Services to the Chair, 17 January 2019

assessments. This means that there can be no question of changes to a care and support package being a cost cutting measure;

- The underpinning principle in undertaking that independent assessment is that the result should be consistent with people's agreed wellbeing outcomes. As there is no financial barrier, no-one need have less favourable care and support than they had under ILF; and
- These arrangements acknowledge the historical entitlement of former ILF recipients."<sup>37</sup>

**62.** This appears to represent a significant change of direction for the Welsh Government and an acknowledgement of the apparent inconsistencies between the approaches of local authorities in relation to the transition and reassessment process.

**63.** The Deputy Minister's statement also acknowledges the campaigning efforts of Nathan Davies (the petitioner) and states that she "[...] will be seeking to work closely with local government leaders over the coming weeks to take this approach forward".

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<sup>37</sup> Welsh Government, Written Statement: Welsh Independent Living Grant, 12 February 2019

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