

## **Section 3 How Payments From The Funds Can And Cannot Be Used**

This section is relevant to all Fund Users (see Preface)

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### **3.1 Qualifying Support and Services Definition**

Awards from the Funds are provided to pay for the cost of employing personal assistants (PAs) or engaging a care agency to enable the disabled person to live independently (see 2.5.10). Any payments made must remain within the Funds' maximum payment limits (see 2.5.8).

Payments from the Funds are intended to pay for qualifying support and services which means personal care and/or domestic assistance that a person who is not disabled would usually do for him or herself. Funding can be used to pay a PA's wages or care agency costs to assist the Fund user with the following tasks:

- 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

### **3.2 Personal Care**

#### **3.2.1 In The Home**

The wages of a PA, or an agency worker, can be funded to provide personal care in and around the home. Funding is not restricted to care being provided inside the home (see 3.2.2). An amount, agreed by the Funds, can be considered towards the costs incurred by having a live-in carer, if care is required full time ie for 24-hour care packages, or live-in PAs are employed.

#### **3.2.2 Outside The home**

We are often asked to consider the cost of a PA to accompany a client when they are out of their home, such as to go shopping or on a social outing. The Funds can consider any personal care tasks that would be required during these times so long as we are

satisfied they would be required regardless of where the person was ie if assistance with feeding/drinking, toileting or mobility in a wheelchair are required when the Fund user is at home. These would be equally relevant when out and therefore should be considered. However, payments cannot be used for any other costs than the wages of a PA or agency worker, eg travel costs, tickets or admission expenses for activities, for either the Fund user or their PA.

The Funds could not consider funding towards a companion.

The Funds can sometimes pay for the cost of a private daycentre.

### **3.2.2.1 Work and Education**

It is important to distinguish between personal care needs, which can be paid for, and assistance with educational work, or work related tasks, which cannot. Access to Work or the Local Education Authority (LEA) can provide assistance towards work or education requirements.

### **3.2.2.2 Access to Work (ATW)**

The Governments ATW program is operated by Jobcentreplus. It offers advice and information and helps individuals and their employers with the extra employment costs resulting from disability. ATW can, for example, pay for -

- ✓ Adaptations to equipment and premises
- ✓ Additional travel costs
- ✓ A support worker

ATW does not relieve an employer of their responsibility to employees under disability legislation, for example the duty to make 'reasonable adjustments'.

Where an applicant or existing user who does not receive any ATW funding approaches the ILF with a request to fund qualifying support and services during time while the

individual is at work or qualifying support and services needed while travelling to work the ILF can consider that request.

The applicant, their representative or social worker should always notify the ILF where a user is in receipt of ATW funding.

Where an applicant or existing user who is already in receipt of ATW funding approaches the ILF with a request to fund additional qualifying support and services during time while the individual is at work or qualifying support and services needed while travelling to work the ILF will expect the user to first approach ATW to consider whether funding for the extra support can be provided through this. If the request is declined by ATW then ILF can consider the request.

When considering whether ILF can fund support in the work place it should be noted that equipment, adaptations etc cannot be paid for with ILF funding.

### **3.2.2.3 Local Education Authority**

The Funds will disregard any financial assistance from the Education Authority with relation to the LA input for both the £10400 per year minimum input for users who applied after March 1993 (see 2.5.6), or the total gross package cost in regard the maximum sums (see 2.5.7 and 2.5.8). The Education Authority can provide assistance towards the educational requirements of a Fund user including tuition costs, equipment, and PAs to assist with educational tasks eg note taking, report writing. However, assistance with personal care tasks would usually fall within the remit of the Local Authority Social Services, which the Funds can have regard to in its minimum and maximum amounts. Throughout this document, LA will mean LA Social Services as described in the preface unless otherwise stated.

### **3.2.3 Whilst On Holiday**

Funding may be used to pay the cost of employing a PA, or an agency worker, to accompany the disabled person on holiday, but the cost of the travel, accommodation or expenses cannot be paid for either a Fund user or their PA. Funding can also be used to employ a foreign national or care agency to provide personal care and / or domestic assistance whilst the user is abroad. The LA input must remain at a minimum of £10400 per year (£200 per week) net for users who applied post March 1993 whilst they are on holiday. The £200pw net LA input could consist of one or all of the following (see 2.5.6):

- Service eg provision by an agency
- Direct payment

### **3.2.4 Day Centre Provision**

#### **3.2.4.1 Local Authority Funded Day Centres**

Under the Fund's Trust Deed care provided by a LA cannot normally be covered by an ILF award. The Funds cannot normally take over or provide funding towards the cost of an LA funded centre.

**1:1 Care And Reduction In LA Provision** The Funds cannot generally agree to fund 1:1 care where the reason for the need is due to the LA directly or indirectly reducing its previous provision (see 6.8).

If the LA has previously been providing a ratio of care sufficient for the Fund user's needs, but are now requesting ILF to fund this for budgetary reasons, the Funds cannot take this over. Overall, if we believe that the LA has previously met the 1:1 needs of the Fund user the Funds will not take this over.

**1:1 Day Centre Care Provision** Assistance for someone attending a day centre can only be funded in exceptional circumstances. The Funds frequently encounter cases

where a proportion of the care input from the LA comprises of attendance at a day centre. Normally the LA covers this aspect of care, but sometimes a request to the Funds will require that some element of this care be considered eg 1:1 carer, escort. Consideration needs to be given as to whether the element can be included in an ILF offer.

The Funds can consider providing assistance towards the cost of 1:1 care, employed to provide personal care whilst the Fund user attends the centre, providing there is a clear need, and the Funds are not being requested to take over an element of care previously met by the LA. **The Funds cannot normally pay towards a LA carer to provide 1:1 care.**

Issues for the Funds to consider are as follows: -

- Is there a clear need in terms of the Fund user's disability?
- Specific information may be required where such requests are made eg the Fund user has severe behavioural problems that cause them to be a danger to themselves and/or others. It will need to be clear that the Fund user's behaviour is such that without 1:1 care they would not be allowed to attend.
- The Fund user's physical disability is such that they need constant hands-on care to enable them to partake in activities, assist in case of fitting, prevent choking etc.
- If it is clear that the Fund user's needs are more than can be reasonably met by the centre's normal ratio of staff/users, then the Funds may consider funding.
- If the Fund user already attends the centre, the Funds would investigate why the 1:1 care is now needed. If the Fund user's condition has recently deteriorated, the request would be considered.

#### **3.2.4.2 Private Day Centres**

Private day centres are considered separately to LA day centres. In these circumstances, the Funds are not being asked to fund towards the cost of a centre run

by a LA. The Funds can consider making payments for private day centres as day centres provide qualifying support and services.

Day centre care may be the most suitable care in terms of the Fund user's needs, ie the Fund user may have autism/severe learning difficulties and the day centre not only provides a controlled environment but may also help manage any behavioural problems. Additionally the fact that the Fund user is able to access care outside the home can provide necessary respite for the unpaid carers, which if unavailable, could lead to a breakdown in the Fund user's unpaid support.

We do not expect that the Fund user must attend a LA centre, as the private centre may provide the most suitable care for the Fund user. However, we will seek clarification of whether the Fund user has previously been in an LA centre to ensure the Funds are not being asked to take over LA provision.

#### Areas for Consideration

- It should be clear that the centre is private, however, a LA may be paying towards the overall cost of an individual placement at the private centre.
- The core focus of the Funds' provision is for qualifying support and services only, although the Funds can consider funding for qualifying support and services that enable the Fund user to partake in activities eg horse riding.
- The centre should be cost effective in comparison to alternatives. The Funds can accept overheads beyond just the staff wages as when assessing for agency care.
- The private facility best meets the needs of the Fund user and those of the unpaid carers/family when judged against the alternatives.
- The facility enables the Fund user to remain living independently rather than in residential care ie, the unpaid carer/family cannot continue to cope if they cannot have respite from the Fund user in their home.

- Fund user/appointee should still have choice and control.

### **Day Centres and Other Issues**

If the Fund user goes into residential respite short stay care, but still attends the day centre at their usual times, the Funds can consider maintaining payments.

In this circumstance, consideration will be given as to whether the attendance is important to maintain consistency of care and control of any behavioural problems.

The Funds cannot pay towards the cost of transport to/from a centre, although if there is a need for 1:1 escort, the cost of this element can be considered. Additional costs to access activities for the Fund user or PA cannot be included.

#### **3.2.4.3 Adult Placements**

Under certain circumstances the ILF can accept care provided through Adult Placement schemes as part of the Local Authority Threshold Sum.

In addition ILF can consider funding care that is provided as part of an Adult Placement provision where the ILFA assesses that the support is suitable for ILF purposes. (Also see section 6.3.1 and 5B.4 for more comprehensive information about ILF approach to Adult Placements).

### **3.2.5 Transport**

#### **3.2.5.1 Transport Within ILF Offer**

The cost of any escort element of transport can be included as a personal care need (see 7.1.2.2) in an offer from the Funds. The actual cost of the transport cannot be included in an offer from the Funds as it is not qualifying support and services.

#### **3.2.5.2 Transport Within LA Package**

The Funds accept the LA can include the cost of transport within their overall day centre funding; this would also include any escort input. If the cost of the transport is high, excluding an escort, the Funds may consider whether the cost is prohibitive, both in terms of the LA meeting the £10400 per year minimum and the Fund's £785pw application package maximum.

Areas for consideration include whether the Fund user lives a long distance from the centre or whether they require a specialised form of adapted transport.

In these circumstances, we need to get a clear picture of: -

- The reasons for the cost eg adapted vehicle, distance (including why the Fund user has to attend a centre so far away)
- Whether or not there is an alternative transport service

### **3.2.6 Respite Care**

The Funds can consider paying for respite in a Fund user's home, or respite which is taken away from the Fund user's usual home, for example in the home of a PA, provided this is not registered as a care home.

Respite in a residential or nursing home cannot be funded by the Funds. Residential respite can be considered as part of the LA's contribution to the package (see 6.4.2).

## **3.3 Domestic Assistance**

### **3.3.1 In The Home**

Provision of domestic assistance can be funded, however domestic duties must relate to the needs of the Fund user and not other members of the household (see also 3.4).

### **3.3.2 Outside The Home**

The reasonable costs of domestic assistance tasks, which can feasibly be provided away from a Fund user's home, are allowed within an overall ILF/LA care package. This covers any form of domestic assistance that is listed as qualifying support and services, that will benefit the Fund user and meet the assessed needs whilst realistically being actionable outside a Fund user's own home.

## **Types of alternative services outside the home**

- Preparation of food, which will then be transferred to the Fund user. (The cost of the meal will not be considered.)
- Laundry
- Ironing
- Essential shopping

We can consider the reasonable cost for these services in the same way that qualifying support and services within the home would be considered. The Funds do not need to seek explanations as to why the task(s) are not done within the Fund user's home, unless the cost for the service is felt to be unreasonable.

Decisions will be recorded on file if an unusually expensive service will be required in the future. For example: a service charge for laundering is higher than would normally be accepted. An example of a reason for extra costs to be considered - Fund user lives in a rural area but has no laundering facilities within their home, or nearby, therefore leading to long travel times and distance for the PA to complete the service.

## **3.4 What Funds Payments Cannot Be Used For**

**3.4.1 Nursing Care** is normally taken to mean any invasive form of treatment and/or procedures requiring specialist medical skills.

**3.4.2 Parenting** the Funds cannot make payments to assist a Fund user to be a parent. The Funds' payments must be for qualifying support and services for the Fund user and cannot extend to family members; therefore, tasks that are only undertaken because the Fund user is a parent cannot be funded. (See also 3.4.3)

**3.4.3 Childcare** costs cannot be covered; it is acceptable, however, that a service being provided for the disabled person be extended to include that person's

child/children. The rule of thumb is; would the task still need to be done if the child was not there eg preparation of a meal would still need to be done if the child was not there, yet taking a child to school would only occur because the child is there. (See also 3.4.2)

**3.4.4 Respite Care** that is taken in a residential care home or nursing home cannot be funded.

**3.4.5 Relatives Living In The Same House** A relative who lives in the same house as a Fund user, cannot usually be paid as a PA. A relative is seen to be one of the following: -

- A partner or,
- A parent, child, grandchild, grandparent, aunt, uncle, niece, nephew or sibling, or any of their partners or,
- Step-relations or any of their partners or,
- A partner's parent, child, grandchild, grandparent, aunt, uncle, niece, nephew or sibling or any of their partners.

**3.4.6 LA Provision** Payments from the Funds cannot normally be used to purchase any form of LA provision or Health Authority provision eg: -

- Residential respite care
- Home care
- LA charges or home care stamp
- Provision or services provided by the LA or Health Authority (HA)
- LA or HA employee (unless privately employed by the Fund user)
- Increased needs due to a reduction in LA provision (see 5B.1)

**This list is not exhaustive**

**3.4.7 Other Items and Expenditures That Fund's Payments Cannot Be Used For**

- Capital or running costs of equipment
- Socialising costs eg drinks for the Fund user or PA
- Social activity costs eg cinema tickets for the Fund user or PA

- Meals, cost of the meal for the Fund user or PA when out, or at home
- Furniture
- Hairdressing or chiropody, unless for essential personal care
- Physiotherapy, aromatherapy, hydrotherapy or massage
- Household bills eg electricity bill or food and clothes
- Heating or laundry costs eg washing powder, even if they are associated with your disability, however cost of the service may be considered (see 3.2)
- Gardening
- Petrol or other travelling expenses
- Holiday costs, for either the Fund user or their PA
- Private Hospitals or Residential Care Homes
- Care or assistance for someone other than the Fund user, even if they are disabled and live in the same house
- Cars, Wheelchairs, or other mobility related items
- Any contribution to packages where Continuing Health Care funding is in place (unless the user applied prior to March 1993 & their CHC does not cover domestic duties that were previously paid for by ILF)
- Emergency Care
- Adaptations to homes\*

(\*The interest on a loan may be disregarded in the Funds' financial assessment for some disability related expenditure, see 8.5.1.2)

**This list does not cover all items or scenarios that funding cannot be used for. If it is not clear that something can be paid for, please contact the Funds for advice (see 1.1).**