

Minutes of the meeting of the Trustees of the Independent Living (Extension) Fund and the Independent Living (1993) Fund held on Wednesday, 9 May 2007

The meeting commenced at 10.30 am

Present: Stephen Jack (Chairman)
Peter Cooke (Vice Chairman)
Mike Boyall
Sally Sparrow
Marie Martin (from item 6)
Margaret McGlade
Elaine Morton (Chief Executive)

In attendance: Yogi Amin (up to item 7.2)
Sue Winterburn
Gary Stephenson (Finance and Corporate Services Director)
John Fuller (Strategic Policy Director)
James Sanderson (Business Development Director)
Sally Bestwick (Senior Operations Manager)
Joanna Mora (Policy Development Manager)
Pam Mellors (Chief Executive's Secretary)
Sharon Foster-King (DWP)

1 Apologies

Apologies were received from Nick Danagher due to work commitments and Norman Cockett (DWP).

1.1 Declaration of possible Conflicts of Interest or Loyalty

Trustees were asked if they had identified any area on the agenda where there was an actual or potential perceived conflict of interest or loyalty.

All Trustees confirmed that no issues had been identified.

2 Minutes of the meeting held 23 April 2007

The minutes of the last meeting held on 23 April 2007 were accepted

by Trustees as a true record, and signed by the Chairman at the end of the meeting.

3 Matters Arising

3.1 TOR for User Panel Committee

The Chief Executive presented the paper to Trustees outlining the proposed terms of reference for the User Personal Cases Committee.

She explained that it enabled members to make decisions outside formal meetings but proposed that the Committee meet at least twice a year. Any decisions made whether inside or outside of formal Committee meetings would be notified at the next meeting of the Board of Trustees. There must be a minimum of three members for meetings to be quorate or to make a decision outside of formal meetings.

She said that although the Committee would be established to look at personal cases the scope might need to widen to look at user's appeals from the complaints and review of decisions process. This process has recently been reviewed and the findings and proposals would be presented at the June Trustees' meeting.

In answer to a question the Chief Executive said the proposals on handling complaints might impact on the proposed 6 monthly review of the user personal cases committee discussed in April. However the current decision needed to focus on the user panel committee, as the way forward on handling complaints was not yet agreed.

The Chairman noted the interest of all Trustees who had put their names forward for the Committee at the last Trustees' meeting: Peter Cooke, Sally Sparrow, Marie Martin and Nick Danagher with Yogi Amin for the 2006 Trust.

The Chairman nominated Peter Cooke as Chairman of the Committee seconded by Sally Sparrow.

The Chief Executive said that she planned to ask one of the Directors to act as Secretary rather than herself.

Outcome: Trustees suggested some slight changes to the terms of reference for signature at June meeting.

3.2 Publication of Trustees' Minutes

The Chief Executive confirmed that the March 2007 minutes have been published on the website.

In answer to a question the Business and Development Director said that to date there had been no feedback but he would keep Trustees updated.

3.3 Equality Statement

The Chief Executive said that this had not been re-circulated yet as the proposed wording was still being looked at.

Outcome: Redraft of Equality Statement to be circulated to all Trustees by e-mail for comment.

3.4 COGA

The Chief Executive commented that work was still in progress.

Sharon Foster-King commented that the current draft COGA had been circulated for consultation to the Treasury and other government departments pending on going discussions with ILF officials.

Outcome: Information

3.5 Training

Training for Trustees, appointed prior to April 07, was planned to be delivered by DWP after the June and September Trustees' meetings.

Outcome: Information

4 Outstanding Action Points

The Chief Executive presented the report to Trustees. She explained that the action point, relating to the analysis of aged overpayments, would be considered by the Audit Committee in June.

It was agreed to formally include an action point relating to the evaluation of the effectiveness of the Board.

Outcome: Additional point on assessment of Board effectiveness to be added to record of action points.

5 Chairman's Issues

The Chairman commented on the breakfast meeting held before the Trustees' meeting and said that it had been a positive experience and he would look to do something similar again.

The Chairman thanked Sally Sparrow who had participated in the recent recruitment exercise for a new Social Work Director. The successful candidate, Jessie Harris, would be starting at the beginning of June.

6 Strategy

6.1 ILF Review Action Plan and Issues Log

Sharon Foster King (DWP) said that the review log had been updated to reflect discussions had on 1 May 2007 with Department of Health (DH). She commented on recommendation number 51 (relating to the issue of NHS funding within IB pilots), which had been rejected by DH as Government had already made a statement to exclude this funding stream.

She said that a meeting has been arranged with the Office of Disability Issues (ODI) on 17 May to identify who would lead on discussions.

The Chief Executive said that it was still work in progress for items with ILF lead and Trustees would start to see scoping papers beginning at the June meeting.

Sharon Foster-King (DWP) commented that the first draft of the Minister's response might be available for the June meeting. The Chairman commented that he was happy for it to be circulated in between formal meetings if necessary.

The Chief Executive commented on recommendation 23, as there was a government initiative to rationalise websites across agencies and NDPB's which may impact on progress with this.

Outcome: Information

7 Finance

7.1 Grant in Aid and Benefit Forecast

The Finance and Corporate Services Director presented the report to Trustees. He explained that the forecast had been brought up to date with information up to 24 April 2007. He said the main forecast shows the higher load growth for GB 93 Fund the forecast continues to predict a GB overspend of approximately £6.5m.

The cash balance brought forward at April 2007 was £6.4m, however £4m would be used in cash payments, as there are 53 Fund User payment days in 07/08.

Northern Ireland continued to meet expected trends with no anticipated budget deficit.

The Finance and Corporate Services Director commented that costs of the outstanding applications and offers had been incorporated into 07/08 expenditure forecasts.

In answer to a question the Finance and Corporate Services Director explained that ILF was allocated funding for 1 year, with indicative funding for a following 3 years. There no guarantee of higher funding with meetings scheduled for August in each year to discuss these issues with DWP for the subsequent year.

Sharon Foster-King commented that the forecasting model used previously was considered no longer fit for purpose and DWP forecast analysts would be responsible for developing a new model.

Outcome: Information

7.2 Managing Within Budget – Contingency Policies

The Chief Executive presented the paper to Trustees. She explained that work had been carried out and that savings on some of the options had not been as great as originally indicated and therefore Trustees may need to consider further options.

The Finance and Corporate Services Director issued further statistical analysis on available options and guided Trustees through the data outlining possible savings with different scenarios. He commented that this was for 93 GB Fund only as the Ext Fund and Northern Ireland have sufficient available funding.

The Chief Executive said that she had been in conversations with a representative from the Association of Directors of Social Services (ADSS) for England and they had polarised views. From a Director's perspective they felt they were used to the concept of spreading money thinly, however they felt that the users might prefer raising the Threshold sum so that access to a higher sum of money is possible.

In answer to a question, the Chief Executive said that there would be no guarantees of being able to restore the position prior to the decisions being made. This position had the potential to run on into next year and would have to be reviewed on a regular basis.

The Chairman said that Trustees had to think about whether they provide support to as many users as they can albeit at a reduced level or whether they support fewer users but retain the capacity for a higher level of support.

Outcome: Decision - Trustees agreed that they preferred to provide meaningful support to users of the ILF.

The Chief Executive said that they had to think about how any approach fitted in with the relevant DWP's PSA objective. Sharon Foster-King (DWP) commented that the objective had to be considered in the context of rationalisation of resources.

Trustees discussed how cutting funding for users would impact on their care packages; that some would look to LA's, family members and third party funding streams whilst others might potentially go into residential care. They agreed all options would have a negative impact to a certain extent.

The Chief Executive commented on Option A – Raising LA threshold to £350 and capping maximum amount from Fund at £435. She explained that this option alone is no longer viable on its own.

The Finance and Corporate services commented on limiting backdating of payments: this would mean that payment of new and increased

awards would be made from the date of offer acceptance in contrast to at present where we would backdate to the date when the offer is made. It was confirmed that the changed approach to backdating being proposed would not apply to suspension situations.

There was concern as to the risk of potential users taking up the offers immediately and that this would have the opposite impact from the intended measures.

The Finance and Corporate Services Director said that there was evidence that users do not take up offers immediately but that this was a risk the organisation takes now anyway. Trustees could look at exceptions to the policy in exercising their discretion.

Outcome: Decision Trustees agreed to look to save around £6.5m to cover the predicted shortfall.

[Information has been redacted from this section as it represents the formulation of policy and is information that is intended for publication at a later date. This is in accordance with exemptions under the Freedom of Information Act 2000].

In answer to a question from the Chairman the Chief Executive said she would look into savings within the expenditure budget.

[Information which represents legal advice has been redacted from this section. This is in accordance with exemptions under the Freedom of Information Act 2000].

**Outcome: Decisions as recorded in section 7.2 of these minutes
Chief Executive to review the administration budget**

7.3 Year end Review of Admin Expenditure

The Finance and Corporate Services Director presented the report to Trustees.

He explained that the paper provides information on the administration expenditure outturn for 2006/07 in comparison with original budgets. Actual expenditure for the year was 9.6% below original budget. Expenditure was 7.8% higher than 2005-06, but the adjusted growth

excluding the additional cost of Employer's Pension contribution arising from entry to the PCSPS scheme was only 3.1%.

In answer to a question from the Chairman the Business Development Director commented that the two largest items in relation to project consultancy expenditure were the MIS database and IT security in relation to the theft of the data tape which together equated to approximately £60k of the £ 145K spent

8 Performance

8.1 Strategic Performance Dashboard Apr 06 – Mar 07

The Finance and Corporate Services Director presented the paper to Trustees. He explained that the overall results for the business year 06/07 are that twenty performance measures have been produced for the whole year, one measure (training effectiveness) has been introduced from March 07 and one further measure (user satisfaction) is still to be introduced.

He said that the review clearance target had not been achieved and the target will be revised for 07/08 to give a uniform target for the two Funds.

Award accuracy has met target for the year as a whole and Operations plan to increase the target to 95%.

The Complaints clearance was not achieved, however performance did improve during the year reflecting better management of this issue.

Admin Cost Control had been achieved with the target being 3% of total expenditure. The unit cost target of £30 per user per month had usually been achieved but there had been some recent rise in this cost.

The target for control success had not been achieved but the Audit Committee reviewed performance in this area quarterly. The system is under review for 07/08 in conjunction with the Risk Management system.

In answer to a question the Finance and Corporate Services Director said that all targets had been set internally but DWP were aware of the performance measures.

Outcome: Trustees agreed to continue with the Dashboard for 2007/08

8.2 Annual Review of LA Liaison

The Business Development Director presented the paper to Trustees. He explained that the previous role of a 'general' customer services team had been re-focussed to look at the most effective way to best develop relationships with LA's.

He said that LA's had been "targeted" to improve relationships to focus on improved service to ILF Users.

The outcome has been very successful in that 8 out of 10 LA's showed improved performance with application rates being more successful. The Business and Development Director said that there was no clear evidence that this approach generates more applications but the success rate improved and as a consequence the whole approach needed careful consideration in view of budget constraints.

There had been a high demand for information from LAs on their ILF users so data sharing protocols had been developed to ensure that all possible information was now shared.

Outcome: Information

8.3 Review of the ILF Equality Action Plans

The Business Development Director presented the paper to Trustees. He said that it provided an update on the equality action plans in support of the gender, disability and race equality schemes. However it was considered important that the actions required in regard to each scheme are still considered separately in view of the need for different outcomes to be achieved. This report would be presented to Trustees on a 6 monthly basis to track progress on the delivery of the equality action plans.

He said that a major project during 06/07 was the launch of the new literature and positive comments had been received from Users and ILFA's. Anecdotally in support of fact that documents were easier to read, there had been an increase in requests for additions to be made to awards for holiday pay and live in carer food allowances since the publication of the literature.

The highest level of disability access had been achieved through the accreditation of the W3C standard for Web accessibility. However the government review and rationalisation of websites would need to be factored into future plans.

The Business and Development Director commented that although 9 objectives had already been completed, it was intended this would be a “living” document with additional objectives added in year.

Outcome: Information

8.4 Annual Review of User Liaison & Consultation/Inclusion Activity 2006/07

The Business and Development Director presented the paper to Trustees. He explained that it outlined the wide range of activity taken during the year, on issues ranging from policy and process changes to the creation of the equality schemes.

Two large events were held in Nottingham with approximately 50 users at each, one was the ‘call for evidence’ meeting for the ILF review and one was a workshop looking at issues of Disability Equality with regard to writing the Disability Equality Scheme Action Plan.

He said that it had been difficult engaging regular commitment from users to attend meetings and therefore the ILF has begun creating a ‘virtual group’ by collating e-mail and postal addresses of users who want to be involved in ILF consultation. We have 80 users so far and will be looking to expand this during the next year.

We have attended roadshow events such as Learning Disability today and Community Care Live which have been successful in making contact with Social Workers and other professionals.

In answer to a question regarding this report in relation to the comments on consultation within the ILF Review, the Business Development Director commented that in terms of consultation this ILF report showed a similar level of consultation as the previous year and Chartermark accreditation was obtained in November 2006.

Sharon Foster- King (DWP) said that comments from users at the 'call for evidence' meetings seemed to suggest that consultation through a user led organisation was a preferred way.

The Business Development Director commented that future plans would still go forward pending the examination of the Review recommendations to include 24 separate events during the year and consultation on the Complaints and Review procedure.

Trustees agreed that it was a positive report and would like to commend staff for all their hard work.

Outcome: Information

8.5 Risk Register 2006/07 and Risk Management

The Finance and Corporate Services Director presented the paper to Trustees.

He explained that the register had been updated following a Management Risk Review at the end of January 07 and had been circulated to the Audit Committee.

He gave an overview of risks that had been revised and at the end of the year there were seven identified risks with a remaining score which were still the focus for attention.

He explained that the SMT would undertake a facilitated risk workshop on 14 May 2007 to produce the 2007-08 risk register. The risk methodology would be finalised via this process and the final document referred to the Audit Committee.

He said that, as discussed at the last Audit Committee meeting, Trustees are invited to undertake a half day strategic workshop to build on and review the work undertaken by the SMT, it is suggested the workshop take place sometime in September 2007.

Outcome: Decision - Trustees discussed this and agreed to have the workshop after the Trustees' meeting in October.

8.6 Business Plan Year end March 07 Review

The Chief Executive presented the paper to Trustees. She explained that it gave an overview of the achievements for the year and said that it had been very demanding for all concerned. Apart from the 41 objectives within the Business plan, there had been other very significant issues including the ILF Review to handle. She commented that the 07/08 year would still be demanding with intended further changes to processes.

The Chairman said he recognised that a lot has been achieved and would like to thank all staff for their hard work.

Outcome: Information

8.7 Draft Business Plan 07/08

The Business and Development Director gave a short presentation to Trustees.

The Chief Executive said that all staff had been given a presentation and opportunity to comment and the comments, where appropriate, were included within the Directorate Action Plans.

In answer to a question as to where the business plan fits in with the ILF Review, the Chief Executive said it was 'business as usual' until recommendations have been accepted. However the work ongoing within the plan does not go forward in isolation but links with consideration of the Review recommendations.

Outcome: Decision Trustees approved the Business Plan for 2007/08.

9 Policy

9.1 Continuing Health Care Policy

The Strategic Policy Director presented the paper to Trustees. He explained that Trustees approved a policy on Continuing Health Care (CHC) in April 2006. A personal case considered by Trustees in February 2007 highlighted the possibility that CHC provision did not meet certain care needs that ILF would otherwise normally fund.

Discussion had taken place with DWP to address concerns around double provision. Trustees were now being asked to consider a modification of existing policy in cases where a user has been assessed as eligible for CHC which would allow the ILF to fund domestic care needs not covered by CHC provision.

Sharon Foster-King (DWP) said that the issue was sensitive for DH as new national guidance was expected shortly. She said that there was a named lead within DH on this issue. It was agreed that discussions would take place with DH before any agreement is made.

In answer to a question, the Chief Executive confirmed that this proposed policy modification would only apply to Extension fund users, as 1993 Fund users would not meet the threshold sum requirement from their LA.

Margaret McGlade commented that as DH was due to issue guidance shortly it would be better to agree policy subsequent to that. She said that she did not agree with the proposals as, in her opinion, it could place the ILF in an inconsistent position in relation to the DH thinking on CHC policy.

Trustees discussed this issue and the majority agreed to the policy modification subject to no fundamental issue arising in discussions with DH. In the meantime Trustees agreed to see cases on an individual basis.

10 Personal Cases

Minutes are provided in an Appendix 1 to these main minutes; the Appendix is not available for public view under the Freedom of Information Act 2000 because it contains personal information subject to the provisions of the Data Protection Act 1998.

11 AOB

11.1 Fraud Cases

The Chief Executive offered to provide further detail on the two recent high profile fraud cases.

There being no further business the meeting finished at 14.50 pm.