



Independent
Living Fund

ILF user guide

*A guide to maintaining your ILF award
until March 2015*



Contents

Introduction	3	Changes in your life	
Getting and using your ILF award		Changes in your life	12
Conditions	4	What happens if I go into residential care or hospital?	12
Getting your money	4	What happens if I die?	13
Managing your money	4	Unspent monies	14
What can I spend my ILF money on?	4	Supporting you until March 2015	
What can't I spend the money on?	5	Maintaining your package	15
Costs we may consider paying for	5	Our customer service	
Paying for care	6	If you write to us	16
Your benefits	6	If you ring us	16
Local authority charges	6	Tell us what you think	16
Savings and capital	7	When things go right	16
How capital affects the money you get from us	7	If things go wrong	16
Saving for equipment or an adaptation	7	Getting independent help	17
Trust Funds and Court of Protection	7	Useful organisations	
Paying for care with your ILF award		Useful organisations	18
Using a care agency	8		
Your responsibilities	9		
Employing your own personal assistant	9		
Your responsibilities if you employ your own personal assistant(s)	10		
Data protection	11		
Arranging care if you go abroad	11		

Introduction

The Independent Living Fund (ILF) is an Executive Non-Departmental Public Body of the Department for Work and Pensions. It was created in 1988 when direct payments could not be made by local authorities to enable disabled people to purchase their own support. Due to changes within the care system the ILF will be closing in March 2015 and the support and funding of ILF users will be transferred to local authorities in England and the devolved administrations in Scotland and Wales.

The ILF is closed to new applications but will continue to support its current users up until March 2015, providing they still meet our conditions.

Getting and using your ILF award

Conditions

In the majority of cases to continue to get funding from the ILF up until March 2015, you must:

- be living in the UK for at least 26 weeks a year;
- get at least £340 worth of support a week or £17,680 a year from your local authority social services;
- get or be entitled to the higher rate care component of Disability Living Allowance;
- have less than £23,250 in savings/capital (this includes any money your partner has).

Getting your money

Your money will be paid every four weeks direct into your nominated bank account.

Managing your money

You can manage the money we give you yourself (even if you need help) or you may have -

- a Power of Attorney;
- a 'Deputy' by the Court of Protection in England and Wales;
- a 'Controller' by the Northern Ireland Office of Care and Protection; or
- a 'Guardian' by the Sheriff's Court in Scotland.

All of these people will have been given the right to act of your behalf.

If you do have someone else who looks after your affairs, we sometimes mean them when we say 'you' or 'user' in our forms or booklets.

Can I change the account my ILF money is paid into?

Yes you can. Please contact us and ask us to send you an agreement form. The form asks you or the person responsible for your ILF money to give the new account details. Unfortunately, you cannot give us any new bank account details over the phone.

What can I spend my ILF money on?

You can use your ILF money to pay for personal care and domestic assistance to help you with:

- cleaning and other domestic duties;
- cooking and preparing food and drink;
- doing laundry and ironing;
- shopping;
- dressing;
- eating and drinking;
- personal hygiene and grooming;
- moving about such as turning or walking;
- personal care whilst out and about.

This is not a full list. Please contact us if you are not sure what you can pay for with your ILF money.

What can't I spend the money on?

You can't use your ILF money to pay for:

- care provided by a **relative** who lives with you;
- maternity, paternity or adoption pay - it is your responsibility to pay these and then apply to claim the money back from HMRC (their contact details are on page 19);
- any care provided by social services;
- maintaining your home or paying bills;
- gardening;
- petrol, taxi fares;
- holidays;
- childcare;
- private hospitals or residential care;
- equipment, including wheelchairs;
- adapting your home;
- hairdressing, chiropody (foot care) and physiotherapy.

This is not a full list. Please contact us if you are not sure what things you can't use your ILF money for.

Costs we may consider paying for

- statutory sick pay;
- health and safety training;
- financial management such as paying a third party;
- we can continue to pay the extra costs associated with having a live-in personal assistant;
- some of the costs you may incur if you have to make your personal assistant redundant;
- the extra costs associated with task training a new personal assistant;
- tax and national insurance.

A relative is your:

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

Paying for care

We work out how much money we can offer you towards the cost of your care based on how much money you have coming in each week and how much your living costs are.

We also take into account some benefits and other income that you and/or your partner receive, such as:

- disability living allowance;
- company or occupational pension(s);
- incapacity benefit;
- war pension;
- widow's or widower's pension;
- income from capital, investments or savings.

This is not a full list.

We do not take you or your partner's earnings into account. This means that if you and/or your partner get paid for doing a job, we do not include this when we work out how much money you have to pay towards your care costs.

Even though we don't take any of your earnings into account, please let us know if you get Access to Work payments.

Your benefits

Your benefits won't stop or be reduced because of the money you get from us. Although, if the benefit rate you get changes this may also change the amount of money you get from us.

Local authority charges

If the ILF already deduct the service charge you pay from your available income this will continue. If however you start to pay a charge or the charge you pay increases we will not be able to give you any further help.

Savings and capital

The maximum amount of capital you or your partner can have to continue to get our award up until March 2015 is £23,250. This includes things like –

- savings;
- any stocks or shares you or your partner own;
- any houses you or your partner own that you do not live in;
- any land you or your partner own;
- any savings plans you or your partner have (such as an ISA).

How capital affects the money you get from us

If you or your partner's capital is less than £14,250 we do not take any of this money into account.

If either of you have more than £14,250, we will increase your available income contribution by £1 per week, for every £250 you have over this limit.

Saving for equipment or an adaptation

If you are saving to buy something you need that is related to your disability such as an electric wheelchair or adaptations to your home, we can sometimes allow you to have more than the £23,250 limit for up to maximum of six months.

Please contact us to explain how you plan to use the money and when you will use it. If you do not use the money within six months we may stop your payments and you will not be able to reapply as we are closed to new applications.

Trust Funds and Court of Protection

If you are a beneficiary under a Trust Fund, please contact your caseworker as it may affect the money you get from us.

Paying for care with your ILF award

Your ILF award will continue until March 2015. You can employ your own personal assistant or use a care agency, or both with the money you get. It will depend on the policy of your local authority what will happen after this date.

Using a care agency

A care agency is a business that can provide support workers to help you. Care agencies usually employ the support workers they provide for you, but you will need to check whether you, or the agency, are the employer.

The law says that care agencies must be registered with:

- in England - Care Quality Commission (www.cqc.org.uk)
- in Wales - Care Standards Inspectorate for Wales (www.csiw.wales.gov.uk)
- in Scotland - Social Care and Social Work Improvement Scotland (www.scswis.com)
- in Northern Ireland - Regulation and Quality Improvement Authority (www.rqia.org.uk)

It is important that you check that the care agency you use is registered before using them. We will not be able to pay for any care provided by a care agency that is not registered. (If you are employing an agency to provide purely domestic care or attending a private day centre, they do not have to be registered.)

The care commissions also provide reports on all the care providers registered with them. You may wish to look at these to help you to decide who to use.

A care agency should:

- provide a personal assistant for you;
- pay their wages, including their tax and National Insurance contributions;
- take on the other employer obligations such as paying statutory maternity, paternity or adoption pay.

This is not a full list.

Your responsibilities

You need to tell us the name and address of the agency you are using. You also need to keep the invoices you get from the agency. The invoices you get need to show:

- the period of care covered;
- the number of hours worked;
- how much you paid them;
- how you paid them (for example by cash or by cheque),
- the hourly rate; and
- when you paid them.

We will ask to see these records every time we visit you to make sure that you are spending your ILF award in the correct way. You may find it helpful to have a separate bank account so you can keep a better check on how much money you have.

You can change the agency you use at any time, or employ a personal assistant instead, but you need to let us know about these changes.

Employing your own personal assistant

Employing your own personal assistant means that you will have responsibilities as an employer, such as paying tax and National Insurance contributions for your personal assistant and keeping records. You will also need to consider any health and safety issues.

When we worked out how much money we could offer you, some costs were added to your personal assistant's wages such as employer's National Insurance contributions and holiday pay. Tax and national insurance contributions need to be deducted and paid direct to HMRC before you give your personal assistant their wages.

If you choose to employ your own personal assistants you become their employer. You may want to employ a relative (which is fine as long as they don't live with you), a friend or advertise for somebody locally. We will help you with any advertising costs and will pay for a criminal records bureau check.

If you do decide to employ a personal assistant, you will need to:

- pay them at least the national minimum wage - to find out more about this contact HMRC (their details are on page 19);
- pay tax and National Insurance contributions for your personal assistant;
- give your personal assistant holiday pay (if they work full-time, they are entitled to 28 days per year);
- have employers' liability insurance (you may be able to get this through your normal insurance policy);
- give your personal assistant an employment contract.

You may also need to pay -

- statutory sick pay;
- statutory maternity, paternity or adoption pay.

Your responsibilities if you employ your own personal assistant(s)

You need to keep a record of:

- the date your personal assistant began working for you;
- timesheets for each of your personal assistants showing the date when they worked for you and how many hours they worked;
- receipts confirming the amount of money you paid them;
- the HMRC records showing the tax and National Insurance contributions made;
- your personal assistant(s)' holiday entitlement and holiday pay;
- any sick leave they have taken;
- all correspondence between you and your personal assistant;
- any problems you have discussed with your personal assistant and what action you have agreed.

All these need to be signed by your personal assistant. We will ask to see records for two full tax years every time we visit you.

If your personal assistant is self-employed they are responsible for their own employment costs such as paying their own tax, National Insurance, holiday pay and sick pay. If your personal assistant is self-employed they should give you an invoice or timesheet showing what care they gave you and when. You also need to keep a record of when they worked for you; how much you paid them and at what hourly rate.

You will also need to confirm with HMRC that your personal assistant is self-employed for tax purposes, because if they are, you do not become their employer.

Even though we ask you to keep records for two years, HMRC require you to keep records for the last six years. Please contact them if you need more information (their details can be found on page 19).

Please remember that the care arrangements you have in place may need to change when your local authority takes over the provision of your care in April 2015.

Data Protection

When you employ a personal assistant you will need to know some personal information about them. Your personal assistant needs to know that you are keeping this information and that it is kept safe and secure. You cannot give this information to anybody else without their permission.

Arranging care if you go abroad

If you want to pay for care when you are abroad it may be better to use a care agency so you can avoid becoming an employer.

If you temporarily employ a foreign personal assistant, you should get employers' liability insurance that covers you abroad. It is also a good idea to get legal advice about what your responsibilities are as an employer in that country.

Changes in your life

Changes in your life

You must tell us when things change, because it may affect the amount of money you get from us. If you do not tell us about a change it could lead to an overpayment. This means that the ILF may have paid you money you should not have had and you will have to pay this money back.

You must tell us about changes in your life, such as:

- you stop going to a day centre;
- the rate of Disability Living Allowance you get changes;
- you start or stop getting Severe Disability Premium;
- you (or your partner) get a new benefit or stop getting a benefit;
- you have a child or your child leaves home;
- you get married or start to live with your partner;
- you get divorced, or stop living with a partner;
- you go into hospital or residential care even if it is just for a short time;
- you move house;
- someone starts to claim Carer's Allowance for giving care to you;
- your income or your partner's income changes.


What happens if I go into residential care or hospital?

You need to let us know if you stop employing care even for a short period, because it may affect the money you get from us. We realise that you or your representative may not always be able to tell us straight away, especially if you go in as an emergency, but somebody must let us know as soon as they can.

What happens to my payments?

We will continue to pay you your normal amount of money for the first 28 days. From day 29 we will not make any further payments until you tell us that you have gone home and started employing care again.

This money can be used to pay your carer whilst you are in hospital or for any extra care that you need when you have gone home. If you find that you do not need all of this money, you can keep one week of your normal award, but you must return the rest of the money to us.



If we have stopped paying you, we will keep your file open for three months. This means that if you start employing care within three months you can ask us to start paying you again. All you need to do is contact us to let us know the date you are going to start paying for care again.

Providing there is no change in your circumstances we can start paying you your normal payments. If there has been a change in your circumstances, we may need to arrange to visit you to make sure your care package is right.

If it is going to take you longer to sort out your care package, but you still want us to be involved you need to contact us within the first three months to ask us to extend the time. Normally, the maximum amount of time we can keep your file open for is nine months. Under exceptional circumstances we can keep your file open for longer, but you must keep in touch with us to let us know what is happening.

Please remember that your payments from the ILF will stop from 1 April 2015 as the responsibility of your care is being passed to your local authority.

What happens if I die?

If you are getting payments from the ILF when you die, somebody must contact us to cancel your payments. This could be your carer or a member of your family.

Unspent monies

You may find that sometimes you have money left in your bank account that you have not spent. It may be that you are putting this money aside to pay for your employer costs such as National Insurance contributions for your personal assistant or perhaps your personal assistant's holiday pay.

It may also be that you have not paid for care for a short period, such as you went into hospital and you therefore have some money left over. If this is the case you can keep up to one week of your normal award as a contingency fund. This means you can use this money to pay for any extra care you may need.

If you still have money left over, after all your employer deductions have been put aside as well as your contingency, you need to return this money to us. Please send us a cheque (our address is on the back of this booklet) and please put your reference number on the back of the cheque so we know who has returned the money to us.

Supporting you until March 2015

Before the ILF closes on 31 March 2015, we will visit you to talk to you about your support plan that will be passed to your local authority. This visit is called your transfer review visit.

This transfer review visit will be very similar to the review visits you would normally have. During the visit, our assessor and your local authority social worker will want to talk to you about what's important to you. They will talk to you about how you think you can achieve the outcomes you need to remain independent, what support you get at the moment and how the ILF can continue to provide this support up until March 2015.

They will gather information about your present care arrangements and any impact the transfer to your local authority will have on you and your personal assistants. They will also talk to you about any employment issues that you may need to think about in order to meet the policy of your local authority. They will also talk to you about the possibility of having a direct payment or a personal budget if you do not currently have one.

We will also check your records to make sure you have been using your award in the correct way.

Maintaining your package

Up until March 2015, we can continue to consider requests for increases for the following employer costs:

- payroll;
- financial management;
- bank holidays;
- CRB checks;
- employer's liability insurance;
- health and safety training;
- legal fees;
- National Insurance contributions;
- statutory holiday pay;
- termination of employment costs;
- task training;
- statutory sick pay;
- advertising;
- national minimum wage.

We will not normally be able to make increased payments towards:

- living expenses allowance;
- travel.

If there is a significant change in your circumstances that prevents you from maintaining the level of care you need, please contact your ILF caseworker.

Our customer service

We provide all our information in plain English and in the following formats:

- Braille
- audio
- languages other than English
- large print

If you write to us

We aim to respond to general letters and emails within 15 working days. You may not get a full reply within this time, but we will always let you know when it was received and who is dealing with it. You should always receive a full reply within 20 working days.

If you ring us

Your phone call will be answered by our switchboard operator. The operator will ask you your name and your reference number. They will then try to put you through to your caseworker.

Switchboard opening times:

Mon, Tues, Thurs	9.00am to 4.30pm
Wed	9.00am to 10.30am 11.30am to 4.30pm
Fri	9.00am to 4.00pm

(The switchboard is closed on English bank holidays.)

Tell us what you think

We want to give you the best service we can, and we welcome all your comments, complaints or ideas for things we could improve.

When things go right

If you think we have done something well, please tell us. Knowing what matters to you may help us get it right for other people. We're always looking for new ways to improve our services. If you have an idea that could help us do this, please get in touch.

If things go wrong

If you think we've got something wrong, or that we're not dealing with you in the right way, please let us know as soon as possible. If you are still unhappy after you have spoken to us you can make an official complaint.

To make an official complaint, please contact our Complaints and Decision Review Manager (our details are on the back page) within three months of the original letter outlining the problem. We will try and reply to you within 15 working days. If we think it will take longer than this to give you a full reply, we will let you know.

If you're unhappy with the decision made by the Complaints and Decision Review team, you can ask for a further review.

If you have been through all our complaints procedure and are still unhappy, you can ask the Independent Case Examiner to look at your case. You must contact them within six months of getting our final reply.

The Independent Case Examiner can look at complaints about our service. If they accept your complaint, they will look at what happened and what we did about it. If they think we should have done more, they will ask us to put the matter right. Their service is free and impartial. To find out more, their details are:

The Independent Case Examiner
PO Box 155
Chester
CH99 9SA

- 0845 606 0777
- www.ind-case-exam.org.uk

Getting independent help

If you need independent help when you're dealing with us or when you want to complain, you could ask a local advice centre like a Citizens Advice Bureau, or your MP.

If you have tried to resolve your complaint, but you are still unhappy, your MP may be able to refer the matter to the Parliamentary and Health Service Ombudsman (Ombudsman for short).

The Ombudsman investigates complaints that government organisations have not acted properly or fairly or have provided a poor service.

Their address is:

Millbank Tower
Millbank
London
SW1P 4QP

- 0345 015 4033
- www.ombudsman.org.uk

Useful organisations

Listed below are some organisations that you may find helpful when dealing with your ILF award or after the ILF closes in March 2015.

If you know of other organisations that you think our users would find helpful, please let us know and we will add them to our list.

Advisory, Conciliation and Arbitration Service (ACAS)

ACAS helps with problems between employers and employees, for example, if you and your personal assistant have a disagreement.

- 0845 747 4747
- www.acas.org.uk

Carers UK

Carers UK is a charity set up to help people who care for family and friends. They provide information and advice about caring alongside practical and emotional support for carers.

- 0808 808 7777 (advice line)
- www.carersuk.org

Dial

Dial offers the best combination of national disability expertise and local knowledge, providing free, impartial and expert information, advice and support to disabled people and their families on a variety of topics .

- 0808 800 3333
- www.scope.org.uk/dial

Disability Rights UK

Disability Rights UK (formerly NCIL) is a not for profit organisation that is run and controlled by disabled people. Their primary aim is to promote independent living. They give support and information around Direct payments and Individual Budgets. They also have an Employers Kit which helps employers and prospective employers with issues around employing staff.

They also have links to other organisations who can give advice on benefits, care and debt as well as government departments.

- 020 7250 3222
- www.disabilityrightsuk.org

Equalities National Council

Equalities National council offer advice, advocacy, mentoring and information to support disabled people and carers to access services across health, housing, welfare benefits, social care and access to work.

- 0207 474 9812
- www.encweb.org.ukwww.gov.uk

GOV.UK

This is a government website with links to services and information.

- www.gov.uk

Health & Safety Executive (HSE)

The Health & Safety Executive's job is to protect people against risks to their health or safety whilst they are at work.

- www.hse.gov.uk

Her Majesty's Revenue and Customs (HMRC)

HMRC is responsible for collecting tax and National Insurance from employers. If you employ your own personal assistants you are an employer. HMRC gives advice on setting up tax and national insurance records and tells you what your responsibilities are as an employer.

They have advice teams around the country which can help you when you first become an employer.

HMRC employer helpline

- 0845 714 3143

HMRC new employer helpline

- 0845 607 0143

Benefit enquiry helpline

- 0800 882 200

- www.hmrc.gov.uk

Royal National Institute for Blind people (RNIB)

RNIB is the leading charity offering information, support and advice to people with sight loss.

- 0303 123 9999
- www.rnib.org.uk

Your local authority

Your local authority has a legal obligation to provide information about non-residential services. Local authorities are expected to signpost people to alternative provisions. Please contact them direct for more information about what help they can offer you.

Independent Living Fund

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Island Business Quarter
City Link
Nottingham
NG2 4LA

Phone: 0845 601 8815
or 0115 945 0700

Fax: 0115 945 0945

Textphone: 0845 601 8816

Email: funds@ilf.gsi.gov.uk

www.dwp.gov.uk/ilf

This booklet is also available in alternative languages, Braille and audio. If you would like this booklet in an alternative format please contact your caseworker.



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