
Defending the Independent Living Fund

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Defending Independent Living: what unions can do

The right of disabled people to live independently was established in the United Nations Convention on the Rights of Persons with Disabilities which was ratified by the British government in 2010. The Independent Living Fund provides support for severely disabled people to enable them to live in their own homes and participate in society. Mike Penney, the then minister for disabled people, announced in March 2014 that he would close the Independent Living Fund immediately to new applicants and shut it down altogether from June 2015. The original closure decision had been blocked by a judicial review the year but the minister has by-passed the judgment.

Trade Unions and disabled people's organisations have been campaigning to reverse the government decision and this Briefing explains what trade unionists can do to help. The government announced that current funds would be diverted to local authorities to take on the job of supporting disabled people but without ring-fencing the money to support ILF recipients: in the current situation of massive and continuing cuts to local authority finances, this means that whether or not a disabled person supported by ILF continues to be able to live independently will depend on local councillors. All funding would cease from June 2016 leaving councils to pick up all the costs of supporting disabled people with support needs.

The impact of closing the ILF

18,000 severely disabled people have been provided with support from the Independent Living Fund (set up in 1988) that enables them to participate fully in society, including as workers. If the funding is removed, people will either become trapped inside their own homes, unable to work or participate in social life, or else will be forced into residential care.

But because local authority funding is under such massive pressure already, it is highly unlikely that councils will be in a position to offer the support that would enable ILF recipients to continue as active members of society unless the money is ring-fenced (in the first year) and replaced with an equivalent to the ILF in future.

Research has shown that disabled people have already been hit much harder than non-disabled people by the government's austerity policies. The closure of ILF and the transfer of its duties to cash-strapped local authorities will make an already bad situation even worse.

Arguments for retaining the ILF

1. The right to independent living for disabled people with high support needs is crucial to their ability to function in society. Many use the support provided to enable them to work. The support can also allow them to participate in social life. The provision of carers or personal assistants can make a critical difference to the lives of many disabled people. Independent Living was recognised as a key right for disabled people and enshrined as such in the United Nations Conventions on the Rights of Persons with Disabilities (UNCRPD) which was ratified by the British government. Independent living for disabled people is a vital step towards ending social exclusion and achieving individual fulfilment.
2. Although the most important argument is the impact on those currently receiving support from the ILF, it is also necessary to note that even the economics do not add up: the average cost of ILF is £345 per week whereas the equivalent cost of residential care is £738 per week.
3. There is no prospect that local authorities will be able to plug the gap left by the closure of the ILF. The budget for social care was cut by £991 million in 2011, £890 million in 2012 and further cuts will take place up to 2015.
4. The Court of Appeal upheld a judicial review of the original closure plan because the Department for Work and Pensions had failed to take account of the negative impact on disabled people of its proposal. The government had failed to carry out an impact assessment despite being required to do so under the Equality Act 2010. In order to comply with the court judgement, the DWP subsequently carried out an impact assessment which found – not surprisingly – that the impact of closure of the ILF on disabled people would be severe: but then proceeded to announce the closure anyway.

The campaign so far

A vigorous campaign was launched with the support of trade unions as soon as the government's callous announcement was made.

An Early Day Motion in Parliament at the end of the Parliamentary session attracted the support of 60 MPs.

Disabled people and their supporters have organised demonstrations, lobbies, vigils and occupations.

An e-campaign has been launched by PCS that can be supported through its facebook page, www.pcs.org.uk/savetheilf and through twitter, #saveILF.

A postcard has been published so that people can write to their MP calling for support for the campaign. This can be accessed via www.facebook.com/ILFpostcard.

Disabled people's organisations and the TUC will highlight the impact of the closure decision as part of a joint shadow report to the United Nations on UK compliance with the UN Convention on the Rights of Persons with Disabilities, but this is a slow process.

A new legal challenge

Three of the original legal challengers, Stuart Bracking, Gabriel Pepper (who spoke at the TUC Disabled Workers' Conference in May 2014) and John Aspinall, have launched a new judicial review of the minister's latest decision that will be heard at the High Court on 22-23 October 2014. A vigil will take place at the High Court in support.

What unions can do

- The proposed closure of the Independent Living Fund is part of a wider attack on the rights and living standards of disabled people. Invite a speaker to your meeting to tell members what it means. The TUC encourages unions to hear this from disabled people themselves: You might ask for a speaker from your union's disabled members' structures or ask Disabled People against the Cuts (www.dpac.org.uk) which has links with many local campaigners.
- Show the short film made with the support of the Daily Mirror and False Economy showing the real stories of people currently receiving ILF support, "We're all in it together, aren't we?" from "Moore Lavan Films" on Vimeo.com.
- LOBBY YOUR LOCAL COUNCIL to agree to ring fence the money previously provided by ILF for continuing support of the people affected. A few local authorities have already agreed to this – there is precedent. Talk to councillors you know to impress on them the importance of their raising the issue with their colleagues and ensuring the council agrees to ring fence ILF money for former ILF recipients. Councils need to prepare contingency plans for how they will sustain the necessary level of support for disabled people formerly supported by the ILF as a matter of urgency.
- Write to your local MP(s) pressing them to support the reopening of the ILF to new claimants and calling for the maintenance of the Fund.

- Encourage members to use the social media campaign tools at www.pcs.org.uk/savetheILF and #saveILF.
- Download copies of the TUC briefing, Trade Unions and Disabled People fighting Austerity, from the TUC website, www.tuc.org.uk, for a full summary of the impact of government policies on disabled people across the board. Use the resources provided by the TUC campaign on the welfare state, Save our Safety net, from savingoursafetynet.org and sign the petition at savingoursafetynet.org/petition.

Conclusion

Independent living for disabled people with high support needs was, when it was introduced, a breakthrough for thousands of severely disabled people and represented an important step away from the isolation and institutionalisation that many disabled people had previously faced. Now, the government has by-passed a court ruling that its decision to close the ILF broke the requirements of the Equality Act to take into account the impact of its decisions on disabled people and will leave those who have been able to live independent lives solely because of the support of ILF at the mercy of local authorities already struggling with gigantic financial pressures. But this decision is not irreversible: disabled people and their allies, and trade unionists, are fighting back. Whether or not the legal challenge currently under way succeeds, it will be necessary to argue the case for proper financial provision to enable disabled people who need support to participate equally in our society. Trade unions have a responsibility to be part of this battle and part of this argument.