1. Are you in favour of the Bill and its provisions? Do you think the Bill fully achieves the Scottish Government's aim of providing assistance for short term need and community care?

Carers Trust Scotland is in favour of the Bill and its provisions, but we are concerned about whether the Bill will achieve its aims. There are issues currently in the way that the SWF is administered, with significant disparity between local authority areas. There needs to be consistency in the guidance and criteria for applying, as well as sound reasoning behind the decision process, particularly when applications are being denied. The local authorities that have shown significant underspend (based on the 2013/14 annual statistics) should also be doing more to promote the existence of the Fund to people within their communities. As the only substantive difference between the current arrangements and the proposals in the Bill is the introduction of an independent review, we believe that consideration needs to be given to the current disparities in fund access and grant awards to ensure that there is equity of experience across Scotland.

2. The interim SWF scheme has already been running for two years. Do you feel that the Bill has suitably taken on the learning from this time?

Aside from independent second-tier review, the Bill does not propose any functional changes to the current arrangement so it is not clear how the Bill can take on any learning. The independent review undertaken by Heriot-Watt University identified a number of issues with the interim SWF scheme, many of which were echoed by carers and carers’ services who have experience of applying for a grant or supporting service users to do so. Some issues that were identified include:

- Generally there is not enough information about how to access funds from the scheme, both individually and via third sector organisations. The Heriot-Watt review identified that awareness amongst individuals is low and often incorrect, with people aware that the Social Fund had ended but not sure what had replaced it. Third sector organisations will signpost relevant service users to the scheme, but we know that organisations’ experiences of publicity and promotional materials in their own area is mixed. It is also important that people who are not in touch with services know about the Fund. Combined with the issues mentioned in the next paragraph about incorrect information on local authority materials, it is important that inconsistencies are dealt with through provision of clear information and a continued public awareness campaign.

- Local authorities have conflicting information about criteria on their websites – some state that qualifying benefits are an essential requirement to access the
Fund. Scottish Government guidance is clear that qualifying benefits are not a requirement, but there needs to be more public information – particularly on local authority websites and materials – that the purpose of the Fund is to alleviate crisis or maintain independent living for those in need who are on a low income, whether or not they receive income replacement benefits. To ensure that guidance is nationally consistent, we would like to see it made clear in the legislation that the Fund is open to people who do not receive qualifying benefits but whose situation is such - either experiencing crisis and not having sufficient resources to respond to such a crisis or who needs a CCG to return to or remain living in the community - that a grant is appropriate. Whilst eligibility is mentioned in Section 5 (2) (c) as part of the Regulations accompanying the Bill, including this information in primary legislation would perhaps be more suitable.

- We know anecdotally that carers are struggling to access the funds, particularly for things like travel to hospital that were covered under the former arrangements but which is generally not provided now unless directly linked to the qualifying criteria (such as an emergency admission to hospital.) Whilst guidance specifies that carers are an identified group of potential applicants, this does not seem to filter through to local authorities.

- We are aware of carers trying to apply for a grant and being told that no further applications are being accepted, only for other carers in similar situations to have applications accepted days or weeks later. This causes confusion and ill feeling amongst communities and may discourage people from applying for funds when they are in crisis.

- We have heard anecdotal evidence of lack of written confirmation of decisions (despite this being assured in literature and on websites by many local authorities) – and difficulties with staff on the phone, which can be confusing for carers and disabled people. There is a great deal of similar evidence contained in the Heriot-Watt review. These issues will continue unless local authorities are provided with clearer and consistent guidance and directions on how to process applications and particularly how to support vulnerable people who may struggle with completing applications, using the website, using the telephone, or understanding the reasons for a decision on their application.

- We have heard that in some areas, applicants are being told that their need does not meet local priorities, but these priorities seem to change very frequently. It may be that these areas are attempting to control the flow of applications through setting and resetting of priorities and aligning these to specific groups. Whilst we appreciate that prioritising need is a way for local authorities to control funds, doing this on the basis of prioritising specific groups confusing for applicants and does not seem to fit with the intentions of the Bill to support those in greatest need. Applications should be considered on the basis of need and the severity of that need. If groups rather than people are prioritised there is a risk of leaving people facing severe crisis with no support.
3. **Is there anything else that you feel should be included in the Bill?**

We would like to see Carer’s Allowance included as one of the listed benefits, as it is an income replacement benefit and recipients of Carer’s Allowance will always be on a low income. Even if receiving a particular benefit is not an essential requirement for receiving a grant, the inclusion of a carer-specific benefit in this list gives a clear message to carers that they are an included group.

As mentioned above, we would like to see a statement about eligibility criteria in the primary legislation rather than the Regulations, to avoid continued confusion about the need to be receiving income-replacement benefits in order to qualify for the fund.

4. **Will the Bill and its provisions have a particular impact on equalities groups?**

It will have a particular impact on disabled people and their families, including unpaid carers. This has been identified to some extent in the EQIA from June 2014 and we are pleased that this disproportionate impact has been noted, as well as the disparity in the average CCG award to applicants with a disability. Steps to monitor and rectify these disparities must continue.

5. **Do you agree with the proposal that local authorities have the option to outsource the provision of the fund to a third party or jointly administer the fund across local authority boundaries? What are the benefits or drawbacks to this approach?**

This approach may benefit many people, particularly if the outsourced organisation has the resources to support applicants through the process and through any further review of the application, additional support and signposting to other services. There could be some concern about the services and business of any third sector or private sector organisation who delivered the fund, and whether this would lead to any unintentional bias or exclusion towards a group – for example, if the fund was delivered by a carers’ service, people who are not carers may feel discouraged from applying because they are not familiar with the service or organisation. We know that people are more likely to be aware of the Fund if they are in touch with third sector services (as noted by the Heriot-Watt review) so it is important to harness this reach, but at the same time consider the potential difficulties that might arise.

We are in favour of local authorities administering their welfare funds jointly if they wish. Many local authorities work closely together, and the increase in joint working in an integrated health and social care environment will be conducive to this. As ever, the most important aspect of delivery is that clear and concise information is provided to the public, and joint working arrangements or outsourcing must not place additional barriers or difficulties on applicants or potential applicants.

6. **What are your views on the proposed internal local authority review process?**

As mentioned above, under the current arrangements there have been issues with local authority reviews where applicants have not been informed of the decision in
writing. The statistics released in July 2014 show that a very large number of applications for both types of grant are successful following first tier review – this indicates that the current review process is robust and operating well, but raises questions about why the number is so high and if this indicates an issue with the initial decision-making process, perhaps in an attempt to control distribution of funds too zealously.

7. Do you agree that the SPSO is the appropriate body to conduct secondary reviews?

It would seem to be the most appropriate of the proposed options from the Bill consultation. However, given the circumstances of need for this kind of support, it is important that both first tier and second tier reviews take place in a timely fashion so that successful applicants are not kept waiting for a long time, and so unsuccessful applicants can begin to seek alternative support.

8. What are your views on the level of detail that will be contained within the regulations? Is there any aspect which you feel would benefit from being on the face of the Bill?

As regulations are generally easier to modify than primary legislation, it is good that provisions which may need to be altered quickly in the future are contained in the regulations. The detail in the regulations seems appropriate. As mentioned above, there has been inconsistencies noted in local authority materials regarding the requirement for applicants to be receiving certain benefits, so eligibility criteria may be better included within the primary legislation.

9. Do you think that the costs attributed to the running of the fund and the set-up of the SPSO to administer secondary reviews are realistic and proportionate?

As mentioned under the response to Question 2, whilst local authorities may be managing the fund by varying priority levels for specific groups, this can cause confusion and frustration amongst applicants whose needs have not changed, but may find themselves unsuccessful if they are not a current priority. Whilst we appreciate that funds are limited, the underspends and inconsistency between local authorities noted in the statistics published in summer 2014 may indicate that local authorities are being too cautious at the expense of those in need and that controlling grant awards to specific groups is not the best way to meet need. We would urge the Scottish Government to continue to monitor these statistics on a quarterly basis and welcome the commitment to match the £33m funding until 2015/16.

Carers Trust Scotland
28 August 2014

1 http://www.scotland.gov.uk/Resource/0045/00456027.doc