Introduction
Citizens Advice Scotland (CAS) and its member bureaux form Scotland’s largest independent advice network. CAB advice services are delivered using service points throughout Scotland, from the islands to city centres. Citizens advice bureaux in Scotland helped clients with over 500,000 new issues in 2012/13 – more than 1,400 new issues for every day of the year. Nearly 200,000 clients brought new issues to a bureau over the year.

In 2013/14 Scottish bureaux dealt with over 7,400 advice issues relating to the Scottish Welfare Fund, including 2,860 relating to Community Care Grants and 4,550 Crisis Grant issues. This compares to some 8,300 advice issues relating to Social Fund Community Care Grants and Crisis Loans in the final year of their operation.

Since the inception of the Scottish Welfare Fund, Citizens Advice Scotland has been involved in discussions about the delivery and operation of the Fund, and has provided regular feedback of bureau and client experience of the Scottish Welfare Fund to the Scottish Government and CoSLA since its implementation.

We welcome the opportunity to respond to this call for evidence on the bill for the permanent scheme, as well as the publication of draft regulations. In our response we comment on both the draft primary legislation and the draft regulations.

We welcome clause 6(3) which requires consultation before issuing or amending guidance. There should be a similar provision for consulting local authorities, third sector bodies and other relevant parties on the draft regulations.

General
Question 1: CAS supports the permanent arrangements for the Scottish Welfare Fund, and its establishment as a statutory scheme.

In relation to achieving the aim of meeting short term need, it needs to be recognised that the impact of changes to the benefit system have yet to be fully experienced in Scotland. Most notably, the limiting of the uprating of benefits will substantially increase the gap between the value of benefits and everyday living costs. In that context, there is likely to be increasing pressure on families in receipt of benefits over the next few years, and greater numbers of people in need of support through the Scottish Welfare Fund. This will require careful management of the Fund by local authorities and monitoring of the operation of the Fund by Scottish Government.

Clause 5 (2) (e) of the bill allows regulations about circumstances in which amounts may require to be repaid or recovered. The Bill itself does not specify that assistance will be provided in the form of grants (although the regulations do).
would like clarification that this point is specifically dealing with fraud, and will not enable a shift back to repayable awards.

CAS would like to see further clarity about the types of assistance that might be provided. Currently awards are made through financial or in-kind assistance. **It should be clear that awards should be appropriate to the needs of the applicant.**

A North of Scotland CAB reports of a client who received a Community Care Grant, which was awarded in the form of goods. The client felt that they had no say in the decisions regarding their furniture and were ending up with unsuitable items. The client had requested a table, but as his flat is extremely small would prefer a coffee table to a table and four chairs. The CAB called the Welfare Fund and with some difficulty organised the changes. However, it will have to be a new order so the table and chairs may be delivered and then uplifted and the coffee table will come later.

**Question 2:** There is some anecdotal evidence of gatekeeping in the interim arrangements, where applications are not accepted as such. The evaluation of the interim scheme flagged the importance of recording any attempt to make an application\(^1\). If applications are cut off at too early a stage, the applicant may not have opportunity to present the full facts of their situation. It will skew data about the scheme. **Consideration should be given to defining an application in regulations.**

A West of Scotland CAB reports of a client pursuing an employment tribunal with his former employer and who had been refused Jobseekers Allowance in the meantime. He made an application for a Crisis Grant by telephone and was refused. In attempting to ask for a review it transpired that although the welfare fund team acknowledged receipt of his call they did not consider him to have submitted an application.

Ongoing monitoring of the scheme and its operation will be important. For example, case evidence from bureaux suggests that in some cases bureau advisers and potential applicants are struggling to get through on phone lines, are not receiving responses on applications within the required timescales, or who are receiving awards in unsuitable formats. For example, some clients have been told that their Crisis Grant will be received as a voucher, sent either by email or post. For clients in crisis who do not have an email address this is not appropriate. We welcome the Scottish Government’s commitment to monitoring and quality improvement through the appointment of a member of staff with this responsibility. We are not clear whether this cost is contained in the estimates for the ongoing administrative costs to the Scottish Government of the Scottish Welfare Fund.

A North of Scotland CAB reports of a client who called her local authority to apply for a Crisis Grant for travelling expenses to visit the father of her children who is very seriously ill in hospital in another part of the country. She was told she could not receive a Grant to pay for travel expenses. The CAB

adviser then spoke to the Welfare Fund person, who explained that if the client could get the funds to pay for travelling expenses and this caused her to be in a bad financial position, on her return she could apply for a crisis grant. The client decided to use the money she was going to spend on paying her bills to cover the travel costs, and reapply for a Crisis Grant at a later stage.

An initial focus of thinking around the scheme was to ensure that by localising the scheme, effective links to a wider and more holistic range of support could be made. The evaluation of the interim scheme suggests that these links could benefit from being strengthened. **As the permanent arrangements are put into place this commitment to holistic support needs to be borne in mind.**

A South of Scotland CAB reports of a client who came to CAB having lost money. She had gone to her local council for help, who had told her there was nothing they could do and referred her to the CAB. The CAB helped her apply for a Crisis Grant from the local council.

**Question 3: Families under exceptional pressure:** The current guidance for the scheme allows for Community Care Grants to be made in circumstances where families are considered to be under exceptional pressure. This is an important area of support, which was added into the guidance of the interim scheme following recognition of its importance. However under the regulations as currently drafted, only families under exceptional pressures who require the support to maintain a settled home will be eligible for assistance. **CAS would like to see families facing exceptional pressures beyond the maintenance of a settled home included in the scope of the arrangements.**

**Administration of Welfare Funds**
**Question 5:** If local authorities are to share or outsource the administration or delivery of Welfare Funds, **there must be clear procedures for who has responsibility at each stage and dealing with problems, including both complaints and first and second tier reviews.**

**Reviews of decisions**
**Question 6:** Clause 4(2)(a) allows for all decisions to be reviewed, or for particular types of decision to be reviewed. This is not currently clarified further in the draft regulations. **CAS understands that the purpose of this clause is to allow specification of what aspects of a decision may be reviewed, for example to exclude decisions about local authority policy from scope. We would welcome a further clarity on what this might mean.**

**Question 7:** CAS strongly supports a second tier review process which is fully independent of local authorities. On this basis we support the option of the Scottish Public Services Ombudsman (SPSO) to carry out second tier reviews, and we believe there are benefits to one body being able to handle both second tier reviews and complaints.
We welcome the new powers for the SPSO at clause 4(4) to allow the Ombudsman to quash decisions and direct local authorities to reconsider applications or to provide assistance through the welfare fund. We believe these powers are necessary to ensure the effectiveness of second tier review carried out by the SPSO.

However, it is not clear what the statutory basis for second tier reviews will be. The Bill contains no detail, and explicitly states at clause 5 (4) that regulations will not make provision regarding this.

CAS does not have strong views as to whether the statutory basis for a review carried out by the SPSO should be in this Bill or in consequential amendments to legislation regarding the SPSO. But CAS believes that there needs to be a statutory basis for details of second tier review, including the time limits for making review decisions and notifying applicants of the decision, and reporting requirements. There should be a full public consultation on these rules.

A North of Scotland CAB reports of a client who made an application for a Scottish Welfare Fund Community Care Grant in December 2013. It took 23 days to receive a decision refusing them the award, rather than the 15 days in guidance. A first tier review decision confirming the refusal was received within nine days (guidance states 15 days), and the second tier review took 50 days, 20 days longer than the timescale of 30 days. The client was awarded a grant at second tier review, six months after the original application.

Regulations

Question 8: See also response to question 1 on families facing exceptional pressure and question 7 with regard to the statutory basis for second tier review.

CAS would like to see further detail in the regulations about the requirements on local authorities to provide information about the operation of their schemes (see clause 5 (2) (e) of the Bill). We would also like to see a regular reporting requirement on Scottish ministers.

CAS believes the drafting of some aspects of the regulations could be clearer. In particular the drafting of regulation 5 concerning income and capital could be much clearer. Part (3) about guidance on the assessment of income and capital, should immediately follow part (1) which says that someone with income or capital may be deemed not to be eligible. This could be interpreted to mean that an individual with any income or capital whatsoever may be ineligible.

An East of Scotland CAB reports of a client whose application for a Crisis Grant was refused on the basis that her husband was working, without consideration of that fact that the previous week he had only received statutory sick pay of £38, and the couple were unable to afford food for themselves and their two children from this.
Part (2) of regulation 5, which states that a “person is not ineligible for assistance” by being in receipt of particular benefits, could be clearer. Effectively, it creates a permissive clause, i.e. a person who is in receipt of those benefits may be eligible for the scheme, whereas the current guidance states that receipt of these benefits means that the applicant will meet the qualifying criteria in relation to income. We would also be concerned if the phrasing of this regulation was interpreted to mean that receipt of these benefits was the only income criteria for the Scottish Welfare Fund. The phrasing of the regulation should be amended to cover people who are eligible for these benefits, rather than specifically in receipt of them, so that people who are experiencing sanctions or delays in the receipt of benefit are clearly covered.

Similarly, regulation 6 could be clearer in making explicit the relationship between 6 (4) (a) and 6 (5); for example, regulation 6 (5) could be made a subparagraph of 6 (4) (a).

Regulation 10 on the detail contained in decision letters is helpful. (2)(e) should be more specific, not just specifying details of any financial assistance, but of any award, whether financial or otherwise, and what form the award takes. (3) and (4) should be clear that the local authority must not only make its decision with the specified timescales but also notify the applicant within that timescale.

Financial memorandum

Question 9: As discussed at question 2, it is not clear whether ongoing costs to the Scottish Government of monitoring and quality improvement for the scheme.

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