General

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?

The Council is in favour of the Bill and its provisions. The Bill contains the required elements to provide a consistent scheme and decision making process across Scotland, yet simultaneously allow essential local flexibility in the delivery of the scheme. These components will facilitate the achievement of the aim of providing assistance for short term need and community care.

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?

The Bill appears to encompass the changes debated and suggested by the SWF Practitioners Group and concerns raised by Third Sector Agencies. This is specifically reflected in the allowance for discretion to be exercised for those that are not in receipt of a ‘qualifying benefit’, those subject to sanctions, and a greater emphasis on supporting families.

In addition, the Bill allows for the continuing flexibility of being able to manage SWF budgets according to local drivers, which is ultimately preferable to a prescribed national model.

These aspects are welcomed as they will continue to allow for the maximisation of assistance for the residents of East Dunbartonshire.

3. Is there anything else that you feel should be included in the Bill?

The Scottish Welfare Fund, like any scheme, may be subject to exploitation by a minority of applicants. Although the budgets held by local authorities for the Fund are small in comparison to other functions, there is still a duty to protect the public purse; therefore it would seem prudent to include arrangements for the treatment and recovery of fraudulent Grant applications.

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

It seems unlikely that the Bill and its provisions would have a particular impact on equalities groups. However, should imbalances arise then they could be redressed by the utilisation and analysis of the diversity information of applicants recorded by local authorities within IT systems.
Administration of Welfare Funds

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?

The Council agrees with the proposal of outsourcing and joint administration. These provisions would allow for ever diminishing resources to be fully utilised, efficiencies to be made, and best practices adopted. However, this would be contingent upon local administrations mutually agreeing joint approaches.

There is an element of risk in relation to local knowledge being diluted; hence the need for the holistic approach may not be readily identifiable, or it may be identified but not entirely addressed for all applicants. However, these risks could be mitigated by the implementation of the relevant safeguards and procedures.

Review of decisions and the SPSO

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

The review arrangements appear to have worked well for applicants and the Council during the interim period. Reviews have facilitated natural and additional monitoring and review of internal practices, resulting in training and guidance being provided and issued as appropriate.

In addition, the SWF Team has a good working relationship with the local Citizens Advice Bureau which represents many of the applicants who want a review of their decision.

In view of these factors, it would seem sensible to continue internal arrangements as outlined in the Bill and regulations.

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

The SPSO will provide the Fund with an impartial body which applicants and Third Sector agencies can have confidence in, akin to that provided by the Independent Review Service in relation to the Social Fund.

Although the Council notes that the SPSO role in the SWF will be distinct from the current jurisdiction in relation to maladministration, the SPSO is traditionally associated with complaints, hence there is perhaps unfair reputational risk associated with this body being used to conduct secondary reviews.

To date, the Council has had only 2 secondary reviews. The Panel within the Council provided an impartial, local and cost effective solution with timely decisions. While we do not doubt that the SPSO will also provide these
functions, it may be that some applicants will be intimidated by the formality of the SPSO if they are not willing to be assisted or represented by a Third Party.

Further provision – regulations

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?

The Bill contains the required level of information, in conjunction with guidance, to allow practitioners to consistently administer and deliver the Fund. It also provides transparent information to organisations and individuals to support applicants where required.

However, the regulations may be more robust and less subject to differing interpretation by multiple/conflicting parties if the capital limits and the annually uprated daily allowances for living expenses were explicitly detailed in regulation 5.

Although the Bill states in 5(2) (g) that local authorities will have a duty to provide Scottish Government with information, outlining this in the regulations may provide local authorities with greater business cases for IT systems procurement and staffing resources.

The regulation in relation to Reviews (11) may be enhanced by a paragraph in relation to the duty of local authorities to include information in relation to the Second Tier SPSO option with their review decision.

Financial Memorandum

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?

The significant additional cost burdens as a result of the Bill must be fully funded, recognising the new statutory burden being placed on local authorities.

The nature of the high level of vulnerability of SWF claimants means that local authorities have to prioritise SWF activity, to the detriment of other related activity e.g. housing benefit administration, debt counselling etc.

The experience of local authorities based on a full year’s operations should be used to assess the most appropriate funding levels, rather than the estimates from DWP on their former Social Fund information.

Also, there may be additional administration and training and software implications as the SWF continues to evolve. The cost of these would be contingent upon the nature and complexities of the change(s) involved; therefore it is not possible to quantify these costs.
In July 2014, the Council submitted a response to the SWF Qualitative Monitoring Survey advising that the estimated cost of staffing administration of SWF as an end to end process was £224,232 in total. This figure is comprised solely of staffing costs, of which £166,279 directly related to the service that administers and decides the Fund. In addition, there are estimated annual running costs of £15,561 per annum. These costs are in stark contrast to the annual funding of £43,970 received, which is insufficient to provide salary and on-costs for the 2 full-time members of staff required to just take applications.

In terms of the SPSO administering secondary reviews, the funding seems appropriate for this function on the basis of estimated case numbers. The Second Tier Review Panel function was estimated to cost the Council £5,377; hence the removal of this function will have a negligible financial impact upon the Council.

Other provisions

10. Do you have any comments on any other provisions contained in the Bill that you wish to raise with the Committee?

    The Council has no further comments to add.

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