WELFARE REFORM COMMITTEE

WELFARE FUNDS (SCOTLAND) BILL

SUBMISSION FROM FALKIRK COUNCIL

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 Welfare Funds (Scotland) Bill aims to provide assistance as referred to in paragraphs (a) and (b) of Section 2(1) of the Bill: Use of the Welfare Funds. We agree the Bill clearly defines the use of the Welfare Funds and that this is will achieve the Scottish Government's aims of providing short term need and community care assistance.
- We are in favour of the Bill as it provides certainty for future provision of the Scottish Welfare Fund which is a vital source of support for individuals in crisis or at risk of losing their home.

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?

- All 32 Local Authorities have worked closely with COSLA and Scottish Government to share learning. In particular, the SWF Practitioners Network has contributed to debate which have informed amended guidelines to take account of our learning.

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

- Section 5(2) Welfare funds: further provision paragraph (f) refers to circumstances in which amounts may require to be repaid or recovered in respect of assistance which has been so provided.
- Local Authority SWF teams are already aware of a small number of circumstances where successful grant awards are being “sold on” by SWF Applicants and there is currently no clear guidance to respond to applications which are subsequently awarded and not used by applicants for the aims of the act as referred to in Section 2 of the Bill.
- Consideration should be given to introduce Section 5(2) paragraph (f) to deter applicants from submitting applications that are not intended for the aims of the act as referred to in Section 2 of the Bill.

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

- It is recognised that extensive consultation has already been undertaken and the SWF guidance has been amended to reflect potential impact on equalities groups. E.g. recent amendments to SWF guidance now takes account of
applicants who have been sanctioned by DWP who are now considered for assistance as referred to in paragraph (a) of Section 2(1) of the Bill.

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?

- Outsourcing or jointly administering the fund would potentially achieve savings. However, this would remove the ethos of the Welfare Fund which is for Local Authorities to deliver the service locally to meet the needs of our local citizens.
- We are currently reviewing how we support individuals with complex/multiple needs to ensure that they receive appropriate support and delivery of the Scottish Welfare Fund is likely to be a key component of this support, enabling us to reach individuals who would otherwise be unlikely to approach us for help.

Review of decisions and the SPSO

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

- The number of SWF application review requests has been very low within our Local Authority. Our 2nd Tier Review Panel comprises of 3rd and 4th Tier Managers who are not involved with SWF and a rota is in place indicating when panel members are required to be available. Our 2nd Tier Panel also reviews application requests to other services in relation to other financial assistance e.g. DHP applications. It is our opinion the current internal process provides an impartial review on SWF applications. Due to the low number, the cost of our 2nd Tier review requests is absorbed within our own management costs.

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

- The Welfare Fund is being established to enable Local Authorities to apply their discretion to deliver assistance as referred to in paragraphs (a) and (b) of Section2(1) of the Bill to meet the needs of our local citizens.
- As the administration of the Welfare Fund is being transferred to Local Authorities and therefore as one of our functions, it may considered the proposed SPSO secondary reviews are unfair given that the current SPSO complaints process has 3 stages i.e. Stage 1 & 2 remain with Local Authorities and stage 3 is handled by SPSO.

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?
• As noted in question 6, consideration should be given to introduce Section 5(2) paragraph (f) to deter applicants from submitting applications that are not intended for the aims of the act as referred to in Section 2 of the Bill

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?

• Paragraph 39 of the Financial Memorandum suggests that there could be savings for councils arising from the SPSO undertaking second tier reviews but it doesn’t say whether councils could be incurring any costs in providing information for these reviews.
• As described above, to date the number of 2nd Tier reviews requested within our Local Authority has been very low and they have been carried out by managers as part of their managerial duties, therefore there will be no direct savings associated with the removal of the requirement to conduct 2nd Tier reviews within the Local Authority.
• The costs associated with the SPSO administering 2nd Tier reviews (£250-400k per annum) seem to be relatively significant, given that within this Local Authority we have managed to meet the requirement around 2nd Tier reviews within our existing resources.

Other provisions

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

• No further comments

Falkirk Council
28 August 2014