Consultation Response

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?

Yes, the intention to give a statutory footing to the Scottish Welfare Fund is important. The Bill reflects the experience of Fife Council, and the scope for flexibility on local arrangements for delivery is welcome.

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?

Yes. Local authorities have shared experience effectively over the two years of running the Fund and the Bill appears to reflect the learning. Administering the Fund at a Council level in Fife has been really worthwhile as we are able to work with different Council services and the third sector in delivering the Fund but also in ensuring that we are able to more broadly support vulnerable people and connect to services.

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

No.

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

The statutory guidance will have a greater impact on equalities groups than the actual Bill itself.

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?

Fife Council supports the Bill’s proposal that local authorities should have the option to outsource the provision of the fund to a third party or jointly administer the fund across local authority boundaries. The important point
here is to allow flexibility and to enable local authorities to make arrangements that best serve their communities and ways of working.

The most significant benefits would be to promote consistencies and efficiencies. On the latter this may help us to manage limited administrative funding. Fife’s population and geography lends itself to maintaining its own service, and our present holistic approach is predicated on existing relationships with other support providers, and the referral mechanisms that are already embedded.

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

The proposed internal local authority review process contained in the Bill replicates the existing arrangements councils complete to review 1st tier SWF decisions under the interim scheme.

If a customer is unhappy with the decision, they can ask for a first tier review to the council who made the original decision. This 1st tier review provides the council the opportunity to ‘remake’ the original decision having looked at the evidence and any new information that has come to light. The case is considered by a decision maker not involved in the original decision and the case reconsidered on the merits of the case.

The current process is low in costs, quick and the decision is examined and changed if appropriate at the earliest opportunity. There is no evidence to suggest the 1st tier internal review arrangements currently in place under the interim scheme are not working.

The number of 1st tier reviews have been low primarily due to the information provided to the customer if they are refused an award. This means they are clear on the outcome and the reasons why before the confirmation letter is sent out. This fits with the holistic approach.

One concern is the ability of councils to meet the timescales for 1st tier review should these increase dramatically. The level of 1st tier review requests needs to be monitored closely to determine whether the level of resource available within councils can sustain the demand for review, without compromising the overall administration of SWF.

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

Fife Council is positive about using the SPSO. The volume of 2nd tier reviews has been low. This has made it difficult to maintain a level of expertise within the panel.

Using the SPSO will ensure the level of expertise is maintained as they will receive sufficient volumes.
Importantly the SPSO will ensure independence and how the process is perceived by people who are going through a review.

**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 accompanying Regulations and statutory guidance provide consistency without eroding the ability of local authorities to make discretionary decisions that reflect local priorities.

**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?**

No. The expense of administering the Fund remains a significant issue. Funding of £267,000 has been received for 14/15 but our overall requirement is £553,000. This leaves a gap of over £286,000 that is filled by the Council’s ‘Welfare Reform’ budget. This was agreed by the Council’s Executive Committee.

This provides a level of staffing that can just about deal with the grants in timescale. In 15 months we have found it is not simply a transactional function as some detailed conversations are required with customers, agencies and suppliers to ensure Fife sustain a holistic approach.

As time progresses some more internal efficiencies will be made but maintaining a high level of service would not be possible if we just used the funding received; and there is no certainty that Fife Council’s contribution can be continued beyond the current year.

The savings to the Council with regard to the SPSO taking the role of 2nd tier reviews would be minimal as bringing an application to decision is where the most of the work is done.

The set up costs for the SPSO are based on a notional 2,000 reviews. This details that running costs of £400,000 will enable 2,000 reviews to be undertaken. Given the work Fife Council is to undertake for less that £300,000 this seems generous – or more likely amplifies the argument made above that local authorities are not given sufficient administrative funding.

A concern would be that the volume of reviews increase leading to additional work. This in turn would lead to even higher administration costs.

A further concern arises through the introduction of Universal Credit. Some households will struggle with managing a monthly benefit received in arrears.
and this will likely lead to increasing calls on the Fund, especially through a transitional period.

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

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