WELFARE REFORM COMMITTEE
WELFARE FUNDS (SCOTLAND) BILL
SUBMISSION FROM NHS DUMFRIES AND GALLOWAY

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?

We welcome the introduction of the Welfare Funds (Scotland) Bill. The Bill will provide a legislative framework to the Fund. The provisions contained within the Bill will hopefully ensure that a welfare fund is delivered on an equitable and transparent basis.

The Fund should not be established to the detriment of prevention work. There requires to be a greater focus on prevention work in order to stop individuals and their dependents reaching crisis point.

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

It is felt that the Bill does reflect learning and outcomes form the interim Scottish Welfare Fund.

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

While Section 1 of the Bill allows for the ring fencing of the Scottish Welfare Fund, it does not mandate the Scottish Government or local authorities to do so. It would be useful to strengthen this aspect of the Bill. There is evidence of increasing pressure on the Scottish Welfare Fund and local authority resources and ideally the Welfare Fund should be protected within local authority budgets in order to support those in the most critical circumstances.

Within the Bill recognition of an individual’s wellbeing (Section 2 (1)(a)(ii)) should be extended to include any dependents.

In addition to ‘settled home’ Section 2 (1)(a)(ii) should also include ‘settled way of life’. This section of the Bill implies that that it is only households who can access the fund.

4) Will the Bill and its provisions have a particular impact on equalities groups?
Administration of Welfare Funds

It is hoped that the Bill will meet its objective of supporting those in need at a time of crisis. The Bill should operate on the basis of protecting basic human rights. With this in mind the Bill should not widen inequalities. We feel that the Bill will have a positive impact on the following groups, unemployed, disabled, carers, homelessness, those with substance misuse issues and ex-offenders.

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?

We recognise that there is a significant expertise outwith the local authority in terms of providing support for those who are vulnerable and in need. On occasion it might be more appropriate that support is provided in other ways rather than financial payment and this is where a third party provider may be appropriately used. However, an element of caution needs to be applied here. There will be a requirement to put in place robust service level agreements and quality controls with third party providers. An arrangement of this nature should only be used where the local authority is unable to meet the needs of the applicant. There are obvious ‘commissioning’ costs of adopting the ‘third party model’ of provision.

Review of decisions and the SPSO

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

The review process should be transparent, accessible and timely. The new powers to be provided to the Scottish Public Services Ombudsman to allow local authority decisions to be scrutinised is welcomed. This will provide an independent review process for applicants. We would hope that further information on the review process is made available as the Bill develops and that there will be opportunity to comment.

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

Yes. It is felt that the Scottish Public Services Ombudsman is the appropriate body to conduct secondary reviews. A local authority panel will not provide a suitable level of independency and the bringing together a number of individuals and bodies to form a tribunal will be more costly. It is imperative the whatever review model is put in place the needs of the applicant are considered in providing speedy responses in order to try and deescalate the problem faced by applicants. Ultimately the success of the SPSO model requires the SPSO to have the powers to overturn local authority decisions.
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 level of detail within the Bill seems appropriate. It would be useful if the introduction clearly sets out the aims for the Welfare Fund and the applicant qualifying criteria.

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 the secondary reviews are realistic and proportionate?

The costs (£60,000-£100,000) attributed to the established of the SPSO function seem realistic and proportionate to the overall fund amount. It is difficult to ascertain at this stage whether the estimated running costs are realistic – ongoing running costs will be determined by the number of reviews requiring to be undertaken. It is hoped that a thorough evaluation programme will be put in place to monitor ongoing costs.

Other provisions

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

In summary we welcome the Welfare Funds (Scotland) Bill. It is hoped that the legislative framework will bring consistency, transparency and accessibility to the fund and those in need.

The opportunity to work with partners (particularly the 3rd Sector) is welcomed, though as outlined above this approach requires robust commissioning arrangements to be established.

The Fund should require operate within the parameters of basic human rights. Individuals should have a right to dignity and respect when using the Fund – this should apply at all stages (application through to appeal). On this basis the Bill should be subjected to the various Equality and Diversity Impact Assessments

The NHS is starting to see some of the impacts of welfare reform impact on its services. This fund provides an important safety net to mitigate against some of the impacts of welfare reform. Through ensuring it is accessible to those in most need it is hoped that it will prevent individuals and their dependents reaching crisis point and becoming dependent upon already stretched NHS services.

Finally, there should be a requirement to have in place a robust programme of evaluation. This should include sharing of learning and experiences across all parties involved in the delivery of the fund.