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. Perth and Kinross Council is in favour of the Bill and of its provisions. The provisions are welcome; however it is the view of Perth and Kinross Council that the Bill should make reference to the discretionary nature of the Welfare Fund. It should be made clear that Local Authorities have the power to make decisions to award or refuse a grant on a discretionary basis. This would help provide clarity for customers and third parties that there is 'no automatic entitlement' or 'automatic disqualification' to a grant. Although the Bill is not prescriptive, per se, the insertion of the word 'discretionary' under Section 1 would provide more clarity for customers of the Welfare Fund. Section 1 should read:

“Welfare funds

Each local authority is to maintain a [discretionary] fund (called a “welfare fund”) comprising—

(a) any grants paid into the fund by the Scottish Ministers, and 5
(b) any amounts paid into the fund by the local authority.”

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

The discretionary nature of the Welfare Fund is not made clear; however, the Bill could not be described as prescriptive. It does provide Local Authorities with sufficient flexibility to make decisions in accordance with the aims of the Welfare Fund. The holistic approach to the administration of the Fund should also be made clear; one of the vital areas of learning during the interim scheme has been the emphasis on prevention and how Local Authorities can best provide longer-term sustainable solutions for customers. The Bill could see a return to a transactional approach to the delivery of the scheme if the requirement of a holistic approach is not mentioned within the Bill.

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

Yes. The discretionary nature of the Welfare Fund, as mentioned under questions 1 and 2. The Bill should permit Local Authorities the power of discretion within either the Bill or the regulations. Local Authorities must be given adequate scope to react to changing circumstances and demands.
The current guidance for the Scottish Welfare Fund interim scheme states,

“1.4 The Scottish Welfare Fund is a discretionary scheme. The guidance cannot cover all eventualities. It is intended to provide a framework for decision makers to promote consistency in decision making, alongside the application form and training materials. Decision makers should use their discretion to ensure that the underlying objectives of the Fund, set out at para 3.1, are met. The absence of guidance on a particular situation does not necessarily mean that a grant should be refused.”

A similar paragraph could be included in the Bill for the permanent arrangements.

The Bill should also mention that the Scottish Welfare Fund is an ‘enabling fund’ and that Local Authorities must take a holistic approach to the administration and delivery of the scheme. A holistic approach is fundamental to the principle of local delivery.

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

   It is the view of Perth and Kinross Council that the Bill and its provisions will have a positive impact on equalities groups.

**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?**

   Yes. Perth and Kinross Council welcomes the option to work collaboratively with other Local Authorities and/or other partners with the appropriate skillsets to deliver the Welfare Fund. Local Authorities may wish to provide shared services in order to provide best value and this provision affords Local Authorities suitable control in terms of financial management and of planning service provision. Local Authorities may also decide to work collaboratively to provide contingency arrangements, for planned or forced office closures, for the purpose of business continuity. Perth and Kinross Council provided a Crisis Grant service on behalf of Highland Council to its customers during the festive office closedown. One of the main drawbacks to this approach is a limited knowledge of local services which is required when delivering a holistic service.

**Review of decisions and the Scottish Public Service Ombudsman (SPSO)**

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

   Perth and Kinross Council believes that neither an internal Local Authority review process nor the Scottish Public Service Ombudsman proposals are
appropriate. Local Authorities have a proven track record in decision-making, therefore an independent Local Authority panel with a Third Sector panel member is our preferred option; we believe this to be the most timely, cost-effective and efficient method of review and it would bring the review process closer to the customer. The Scottish Welfare Fund has already become a specialist area and the knowledge and skills required to undertake reviews at second tier currently exist within Local Authorities and the Third Sector.

Example:

Second Tier Review of a Perth and Kinross decision.

Panel members:

Edinburgh City Council and Capability Scotland.

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

No. The role of the SPSO is well known and to incorporate an element of review could confuse customers. Furthermore, the current culture and process of the SPSO would not be suitable in terms of the required turn around for Crisis Grant cases.

The briefing note provided by the SPSO highlights the fact that there may be some substantial learning for the Ombudsman on the review function. A “simplified process map” has been provided which demonstrates that where an error has been made by the Local Authority when making a decision, a complaint will automatically be submitted against that Local Authority. This is not the role or function of an independent reviewing body. The decision to make a complaint should be borne by the customer and this right of self-determination should be preserved so as not to cause any unnecessary or undue stress to the customer.

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 contained within the regulations is sufficient and affords Local Authorities the flexibility to make the best decisions for the people in their communities, despite the fact that this is not explicit.

Section 10, subsections 3 and 4 are welcomed;

“(3) A local authority is to make its decision on an application for a crisis grant no later than the end of the second working day after that on which the authority has received all information allowing a decision to be made.
A local authority is to make its decision on an application for a community care grant no later than the end of the fifteenth working day after that on which the authority has received all information allowing a decision to be made."

The wording in these subsections avoids processing “targets” which could penalise customers. The regulations acknowledge the fact that vulnerable customers may not be able to provide evidence timeously.

Section 6, subsection 4(d) is also welcomed;

“(d) enable a qualifying individual to maintain a settled home in a situation where that individual, or another individual in the same household, is facing exceptional pressure;”

This recognises that individuals, not only families, can face exceptional pressure and may require assistance as a consequence. The interim scheme does not allow for the provision of assistance to an individual facing exceptional pressure and were it not for the discretionary nature of the scheme, vulnerable customers may not have received the assistance that they relied upon.

Once again, the discretionary nature of the scheme must be explicit within the regulations; this is fundamental to the intention and objectives of the Fund.

Each Scottish Local Authority is faced with its own individual demographics and pressures and therefore the power of discretion must be set out in the regulations.

The holistic approach to the delivery of the scheme is integral to its intention and therefore must also be explicit within the regulations.

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 costs attributed to Perth and Kinross Council to run the Welfare Fund are not realistic or proportionate. Perth & Kinross Council received a budget of £76,000 for financial years 2013/14 and 2014/15 to administer the Welfare Fund. Current staffing costs total £145,000. As a medium-sized, rural/urban Authority we make all methods of application available so as to allow the greatest possible access to the scheme; online, telephone, face-to-face, paper and home visits (in exceptional circumstances). Whilst the procurement of goods on behalf of our customers is, in our view, the best and most appropriate use of the budget, this too comes with additional costs in terms of administration. Additional funding to administer the scheme at the first point of contact would be welcomed, thus reducing error and the need for both first and second tier reviews.
It is difficult to say whether the costs attributed to the set-up of the SPSO to administer second tier reviews are realistic or proportionate. In order for the SPSO to fulfil its new role appropriately a substantial investment will be required to ensure that adequate training, systems and processes are in place.

Other Provisions

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

None.

Perth and Kinross
20 August 2014