Scottish Disability Equality Forum (SDEF) works for social inclusion in Scotland through the removal of barriers to equality and the promotion of independent living for people affected by disability.

We are a membership organisation, representing individuals affected by disability, and organisations and groups who share our values. Our aim is to ensure that the voices of people affected by disability are heard and heeded within their own communities and at a national and political level.

About this call for written evidence

The purpose of the Scottish Welfare Fund is to make arrangements on the maintenance of welfare funds and to provide them to be used to help certain individuals.

The interim Scottish Welfare Fund aims to:

- provide a safety net in an emergency when there is an immediate threat to health and safety, through the provision of a non-repayable grant which is known as a Crisis Grant; and

- enable people to live independently, or to continue to live independently, preventing the need for institutional care, through the provision of a non-repayable grant which is known as a Community Care Grant. This includes providing assistance to families facing exceptional pressures. For example where there has been a breakdown in family relationships, perhaps involving domestic violence, which is resulting in a move.

General points

- SDEF, alongside the majority of its members, are in favour of the Bill.
- Our members feel that this Bill will provide Disabled People with a more independent quality of life.
- Many of our members feel disabled people may not get to know about the fund and therefore not be able to access it.
- Our members feel the costs are very high for the running of the fund.

Answers to specific questions

Before completing this response, SDEF polled its members, made up of individuals, organisations and Access Panels, with a shorter version of this consultation. We have used these to help develop our response.
Question 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?

SDEF welcomes the Bill and its provisions.

SDEF feels that it is important to use the opportunities presented by involving disabled people in the design of these changes.

However, disabled people in Scotland are also being disproportionately affected by ongoing welfare reforms. Many are facing an increase in financial hardship and a lack of support, affecting their ability to live independently. The Bill should also make reference to disabled people who are unable to maintain their ability to live independently in their local community, amongst the categories of individual eligible for a community care grant.

Question 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?

SDEF recognises that there is a learning process with all new legislation, but feels strongly that it is necessary to ensure that those potentially affected by change should be better informed. This is typical of the uncertainty around the pending changes and highlights the need to remove unnecessary fear by providing clear and consistent information in accessible formats across all media platforms.

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

Clear direction of the reporting mechanisms being incorporated into local authority processes for allocating awards is required. We are concerned that the eligibility criteria are not consistent across all local authorities and therefore disabled people are being awarded according to a ‘postcode lottery’. We believe this Bill should place a duty on local authorities to accept all applications made to the fund. This will then provide true data and information of those applying for the fund across the country.

Question 4
Will the Bill and its provisions have a particular impact on disabled people?

SDEF feels that it is important to use the opportunities presented by involving disabled people in the design of the Bill and its provisions.

SDEF recognises the Scottish Government’s ongoing commitment to working towards a society where disabled people can exercise the right to live a life of dignity, respect and independence.
We would like to suggest that the recording and monitoring processes used reflect the characteristics and needs of disabled people so this information is used fairly in the decision making process.

**Question 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 majority of our members do not agree with this proposal.

It is felt this may cause confusion and the possibility of one area receiving more help than another.

“A loss of accountability if jointly controlled – outsourcing should not be allowed”

Where a third party is administering any part of the fund it is essential that applicants have access to, and are advised of, a fair and transparent appeals process which allows them to challenge relevant decisions or make complaints. Jointly administered funds further increases the need for an impartial body such as the SPSO to oversee decisions made.

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

SDEF is concerned over the inconsistency across local authorities when approving applications to the fund. We would like to suggest that eligibility criteria across all local authorities be reviewed and implemented.

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

SDEF agree with the proposals to introduce a second tier review to the Scottish Public Services Ombudsman (SPSO) to ensure that people have a right to review their applications if they have been denied. As discussed throughout, we feel the role and purpose of SPSO needs to be communicated widely in accessible formats.

**Question 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 majority of our members feel it is important to detail as much as possible about the bill so people will understand it.

Our members feel the process should be clearly explained and for all to understand.
Question 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?

As discussed already in our response, we feel strongly that monitoring and evaluation of the fund is implemented, however we also note the financial memorandum does not include this function. We would like to suggest this is added. Our members commented that they feel the costs are very high.

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

Members comments:

“There should be as much flexibility and discretion built into the system as possible”

“I think the running cost of £400,000 to be very extravagant, how can this be justified?”

“Since the introduction of all welfare reform, it has taken longer and cost more to deliver, this may fall into the same trap if not resources properly”

“there should be a contingency plan built-in”

Contact

Thank you for considering the comments in this response paper to the Welfare Committee’s call for evidence on the Welfare Funds (Scotland) Bill.

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