

Agenda Item	5
Report No	AS/14/20

HIGHLAND COUNCIL

Committee: **Audit and Scrutiny**

Date: 26 November 2020

Report Title: **Scottish Public Services Ombudsman (SPSO) Annual Report on the Scottish Welfare Fund Independent Review Service 2019**

Report By: Report by the Executive Chief Officer – Resources & Finance

1. **Purpose/Executive Summary**

- 1.1 The Scottish Welfare Fund (SWF) is a national scheme, underpinned by the Welfare Funds (Scotland) Act 2015, and delivered on behalf of the Scottish Government by all 32 local authorities. In Highland, the Fund is administered by the Service Delivery Team with policy developed by the Benefits & Welfare Team both within the Revenues & Business Support section.

- 1.2 This report highlights the key findings and recommendations from the Scottish Public Services Ombudsman’s (SPSO) Annual Report on the Scottish Welfare Fund Independent Service for 2019/20.

2. **Recommendations**

- 2.1 Members are invited to:
 - i. Recognise the Council’s outstanding performance for processing 99% of SWF applications within the statutory timeframes (1 working day for Crisis Grants and 15 working days for Community Care Grants);

 - ii. Scrutinise that from 5,965 SWF applications received by the Highland Council, the SPSO received 8 valid requests for 2nd tier reviews (0.13%) and changed the Council’s decisions in 5 cases (0.08%);

 - iii. Take cognisance of the pivotal role undertaken by Officers as per paragraph 11.2 of this report.

3. Implications

- 3.1 **Resource** - the resource implications are set out in this report and are managed within the Revenues & Business Support section.
- 3.2 **Legal** - the scheme is administered in accordance with The Welfare Funds (Scotland) Act 2015 which places a statutory duty on the Council to make available a Welfare Fund.
- 3.3 **Community (Equality, Poverty and Rural)** – The Scottish Welfare Fund provides a safety net for the most vulnerable and helps support the Council's commitment to poverty reduction.
- 3.4 **Risk** – there are no risk implications arising from this report.
- 3.5 **Climate Change, Carbon Clever and Gaelic** – the contracts for commissioned new and second-hand goods are committed to zero waste and are effectively contributing to reducing landfill waste.

4. Corporate Parenting

- 4.1 Local authorities must take account of their Corporate Parenting responsibilities in the delivery of their Welfare Fund, to uphold the rights and secure the wellbeing of looked after children and care leavers. In the context of the SWF, this may mean:
- being aware of issues which could affect the wellbeing of care experienced young people (CEYP)
 - being aware of the likelihood of how/when CEYP might apply to the SWF
 - promoting the interest of CEYP
 - providing CEYP with opportunities.

5. The Scottish Welfare Fund Scheme

- 5.1 The Scheme comprises 2 types of Grants. Crisis Grants are provided where an individual is facing a disaster or emergency, and where there is an immediate threat to the health or safety of that individual or their family. Community Care Grants are provided where a qualifying individual needs help to establish or maintain a settled home and for those facing exceptional pressure.

6. Fulfilment

- 6.1 Grants can be fulfilled through cash payments (or equivalent, e.g. vouchers), goods and services.
- 6.2 In Highland, cash payments are made via SMS messages that can be redeemed at relevant outlets nationally and across Highland. Goods and services are procured via contracts with 2 local suppliers. In addition to providing value for money, several community benefits are being derived from these contracts. For example, both suppliers are creating local employment and other training opportunities; 2 Modern Apprenticeships are being provided including for looked after children; and one of the suppliers has been adopted by Dingwall Academy as a Business Partner.

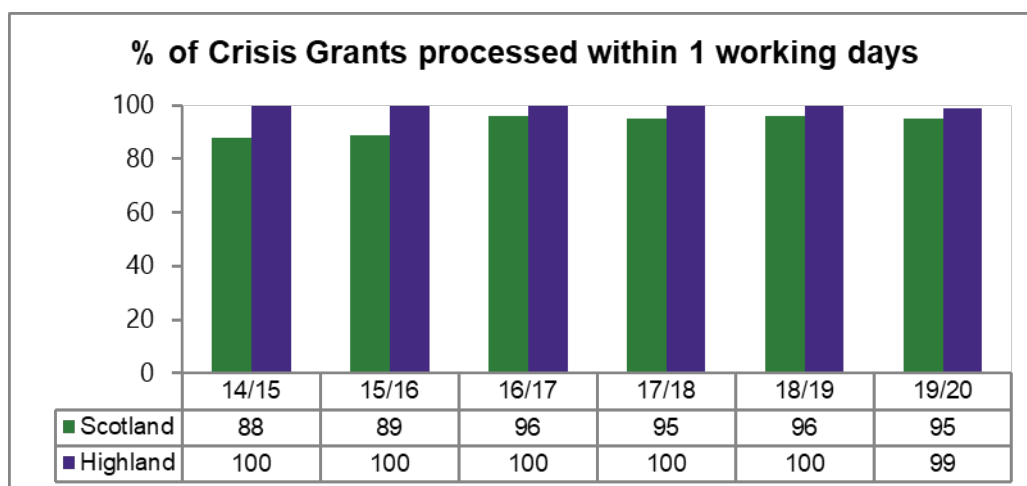
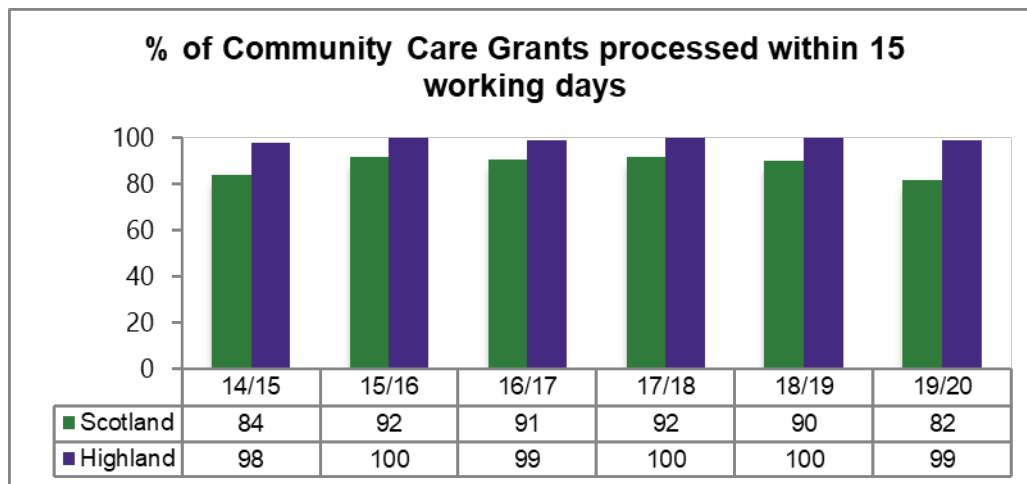
7. Target Processing Times

- 7.1 The Regulations require local authorities to decide Crisis Grant applications immediately after the local authority has received all information allowing a

decision to be made, and in any event, no later than the end of the next working day and within 15 working days for Community Care Grants.

7.2 As evidenced in the tables at paragraph 6.3 below, the Highland Council's processing performance is exemplary particularly given the standards against which performance is measured.

7.3



8. Scottish Welfare Fund 1st Tier Review process undertaken by local authorities

- 8.1 If an applicant disagrees with the outcome of their Welfare Fund application they may request, within 20 working days of receiving the decision, the local authority to undertake a 1st tier review. Such reviews must be undertaken by a decision maker who was not involved in making the original decision. The 1st tier review offers an opportunity to reconsider the original decision based on a revision of the evidence and any new information which becomes available.
- 8.2 The maximum processing time provided for in the Regulations, for a 1st tier review of a Crisis Grant application, is no later than the end of the second working day after that on which the request was received and no later than the end of the fifteenth working day for Community Care Grants.
- 8.3 The total number of grant applications and requests for 1st tier reviews received by the Council during 2019/20 are provided in the tables at paragraph 7.4 below. Also included is an analysis of the percentage of requests for 1st tier reviews that result in a change to the original decision. In the majority of changed cases, new information and evidence from the applicant during the review process enabled a changed decision to be made.

8.4

The Highland Council SWF Applications	Number of Applications	Number of 1st Tier Reviews	Reviews as % of applications	% 1st Tier Reviews upheld
Total SWF applications	5,965	199	3.34%	51.8%
Crisis Grants	3,935	134	3.40%	53.0%
Community Care Grant	2,030	65	3.20%	49.2%

9. Scottish Welfare Fund 2nd Tier review process undertaken by the SPSO

9.1 If the applicant is still dissatisfied by the outcome of the 1st tier review by a local authority, they can request the SPSO to carry out an independent 2nd tier review. In practice, applicants may request a 2nd tier review when they:

- have applied to the council for a Crisis Grant (CG) or Community Care Grant (CCG); and
- have asked the council to review their decision (first tier review); and
- are unhappy with the council's decision.

9.2 The SPSO considers whether the council made the correct decision based on the circumstances. The SPSO can decide:

- not to change the council's decision;
- overturn the council's decision in part, or in full (i.e. make a different decision); or
- send the case back to the council to remake their decision.

9.3 If the SPSO overturns a decision, they will direct councils to make awards which will either alleviate crisis situations or provide essential items to help applicants set up or to continue to live independently in the community. The SPSO will also make suggestions for improvements where they consider practices can be improved.

9.4 The SPSO's processing times for determining 2nd tier reviews in respect of Crisis Grant applications are within 1 working day from receipt and within 21 working days for Community Care Grants. Nationally, the SPSO reviewed 1,038 cases during 2019/20 an increase of 29% from 2018/19.

10. National and Local Outcomes

10.1 National figures published by the Scottish Government show that there has been an overall increase in applications made to councils for the SWF in 2019-20 compared to 2018-19.

10.2 The following table summarises how the SPSO handled enquiries from the Highland context.

	2018/2019	2019/2020
Enquiries received by the SPSO	24	13

Closed prior to a review decision	6	5
Enquiries reviewed	18	8
Decision not changed	10 (56%)	3 (37.5%)
Crisis Grant decision changed	5 (28%)	3 (37.5%)
Community Care Grant decision not changed	3 (16%)	2 (25%)

11. SPSO Performance information

11.1 The SPSO's performance is set out in the table at paragraph 10.2.

11.2

2nd Tier Reviews undertaken by the SPSO	2017/18 Achieved	2018/19 Achieved	2019/20 Achieved
Crisis Grant – 1 working day	99%	100%	100%
Community Care Grant – 21 working days	99%	98%	96%

12. SPSO Review Team – SWF improvements

12.1 Where the SPSO identifies potential or actual failings, they record suggestions for improvements which they highlight directly to councils. This is undertaken for all cases, regardless of the decision outcome. For transparency, improvements suggestions are included in the decision letters to applicants.

12.2 This Council continues to play a pivotal role in the development of the Scottish Welfare Fund. Officers within the Revenues & Customer Services team are proactive in helping shape SWF policy within Scotland. This includes:

- Submissions to consultations and attendance at working groups to inform national policies
- As one of 8 Local Authorities, officers participate in the Local Authority/SPSO sounding board which reports on casework received by the SPSO, gathers feedback, imparts information and identifies best practice.

Designation: Executive Chief Officer – Resources & Finance

Date: 16 November 2020

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Background Papers: SPSO Annual Report 2019/20