

# CONSULTATION ON REGULATIONS AND STATUTORY GUIDANCE UNDER THE WELFARE FUNDS (SCOTLAND) ACT 2015: ANALYSIS OF RESPONSES



EQUALITY, POVERTY AND SOCIAL SECURITY

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## **Abbreviations**

The following abbreviations are used in this report

CG – Crisis Grant

CCG – Community Care Grant

SPSO – Scottish Public Services Ombudsman

SWF, or the Fund – Scottish Welfare Fund

## **EXECUTIVE SUMMARY**

### ***Introduction***

1. The Scottish Welfare Fund (SWF) was established in April 2013, replacing elements of the Social Fund abolished by the Department for Work and Pensions. It is a national scheme, delivered on behalf of the Scottish Government by all 32 local authorities.
2. There are two types of grant available through the SWF: Community Care Grants (CCGs) and Crisis Grants (CGs). CCGs made under the scheme help people to live independently, preventing the need for institutional care, whilst CGs help those facing disaster or emergency situations. Both are intended for those on low incomes. As they are grants, they do not need to be repaid by the recipient. Since April 2013, the SWF has helped more than 164,000 households.
3. Developed in partnership with the Convention of Scottish Local Authorities (COSLA) in consultation with the third sector, the Fund is underpinned by the first substantive example of social security-related legislation in Scotland. The Welfare Funds (Scotland) Act 2015 places a statutory duty on each local authority to maintain a Welfare Fund. It also provides new powers to the Scottish Public Services Ombudsman (SPSO), establishing an independent review process.
4. Between 27 May 2015 and 21 August 2015, the Scottish Government consulted on draft regulations and statutory guidance under the Welfare Funds (Scotland) Act 2015. Sixty-one responses (53 from organisations and 8 from individuals) were received. In addition, two responses were submitted using an Easy Read version of the consultation questionnaire.

### ***Defining low income (Chapter 3, Q1 and Q2)***

5. The consultation asked respondents if they thought it was a problem that local authorities currently use different ways to decide whether a SWF applicant is on a low income. Two-thirds of respondents (67%) answered 'yes'. This group wanted to see greater consistency in decision making by local authorities, and thought that inconsistencies in current arrangements were confusing not only for applicants but also for agencies that support people in making applications to the Fund. However, 33% (including a majority of local authority respondents) highlighted the importance for local authorities to have the flexibility and discretion to give grants to those who are most in need – while also taking into account local economic conditions such as the costs of housing, food and transport.
6. The consultation sought views on the methods that should be used by local authorities to decide whether an applicant is on a low income. Three options were set out in the consultation paper. Option 1 was the status quo (decision makers make a judgement on the basis of information given by the applicant and

information in their own systems); Option 2 was that local authorities should use the same list of 'approved' ways for deciding whether a person was on a low income; and Option 3 involved setting a low income threshold, above which no payments would be made. Respondents were also asked which of these three options they thought was best.

7. The largest proportion of respondents (46%) chose Option 2. Option 3 was the least popular option, chosen by just 11% of respondents. Respondents comments on this question focused on finding the most appropriate balance between greater consistency and transparency in decision making, and having a flexible system that allowed for discretion. Option 2 was seen as providing that balance. Respondents were nearly unanimous in wanting some level of discretion to remain in decision making. There was also general agreement that being in receipt of (or being entitled to) benefits should not be a prerequisite to applying for a grant.

#### ***Limiting repeat awards (Chapter 4, Q3 – Q5)***

8. The consultation paper proposed limiting the number of CG awards to three per year per household (a change from the current three per year per individual). This was to address a perceived unfairness in that couples sharing a household might be able to receive six awards in a year, whereas a single person (including a single parent) would only be able to receive three. There was a proposal to similarly limit CCG awards, and respondents were asked what they thought the consequences would be of these two changes.
9. In relation to the first proposal, local authorities were more likely than other groups to identify positive consequences, or to say there would be no consequences from limiting CG awards to three per household per year. This group thought the proposed change would be fairer, increase consistency and avoid discrimination against single parents in particular. However, around half of local authorities also identified possible adverse consequences. By contrast, third sector respondents were almost unanimous in identifying *only* negative consequences from the proposal, highlighting a range of vulnerable groups who could be adversely affected (e.g. women, adults with disabilities, care leavers, people with addictions or cognitive impairments, etc.).
10. Regarding the proposal to limit CCG awards, third sector respondents, again, generally identified only negative consequences. Moreover, there was less support among local authorities for this proposal, partly because it would be unusual for any individual to request more than three CCG awards in a year, and partly because there could be good reasons (in these exceptional cases) for an individual to need more than three CCG awards.
11. The consultation paper also invited views on a third proposal, which suggested a limit on the number of times that a CCG grant could be given for the *same item* in a set period of time. Respondents were asked if they thought there should be such a limit, and if so, what the limit should be.

12. In relation to this third proposal, respondents were divided in their views, with 51% agreeing, and 49% opposed. Irrespective of whether they agreed or disagreed, respondents gave examples of circumstances in which an individual might legitimately need to apply for the same item again in a relatively short period of time. These circumstances were thought to be uncommon, and so those who agreed with this proposal thought that local authorities should have the discretion to award the same items again in exceptional cases. Suggestions about the period of time for which the limit should apply ranged from 12 months to 36 months, and it was often suggested that the limit should apply only to larger items, including white goods which would, in any case, ordinarily be under warranty.

***Prioritisation of families facing exceptional pressure (Chapter 5, Q6)***

13. The consultation asked whether families facing exceptional pressure should be given priority in decisions on CG applications, as they are currently given priority for CCG awards. Respondents were divided in their views on this question with 49% in favour and 51% opposed. Those in favour argued that households with dependent children should be given priority and that the early award of a CG could fulfil an important prevention / early intervention purpose. Those opposed argued that such a prioritisation would be discriminatory and disadvantage other equally vulnerable groups. They also pointed out that applications from individuals with dependent children are already 'fast-tracked' without the need for further prioritisation. In addition, a practical difficulty was raised: in order to process CG applications quickly, they must be treated on a first-come, first-served basis; therefore, if one group is prioritised over another, it would cause delays in processing all other applications.

***Payment and processing of CGs (Chapter 6, Q7-Q9)***

14. The draft regulations included a requirement that CGs be paid in cash, or a 'cash equivalent'. The consultation therefore sought views about what kinds of payments should be considered as appropriate 'cash equivalents'. Five options were suggested – i) Paypoint; ii) Allpay; iii) Fuel cards; iv) High street vouchers; and v) Travel tickets, bought on behalf of the applicant. Respondents were asked to choose the ones they thought local authorities should be able to use.
15. Two-thirds of respondents selected all five options. The option chosen most frequently was 'Paypoint or alternative electronic transfer'. However, third sector respondents emphasised that applicants should have the right to choose how the grant is paid, and argued that cash (or bank transfer) should be the default payment method unless the applicant preferred an alternative. Local authority respondents discussed the advantages of different cash equivalents in certain circumstances, emphasising the importance of having a range of payment options available, and the discretion to choose the best method for the applicant.
16. The consultation also asked respondents for their views about how local authorities could make sure that the method of payment is the best one for the applicant. Third sector respondents thought that the way of deciding the best

method of making an award was to discuss the options available with the applicant and ask which s/he prefers. Local authority respondents highlighted the complex range of issues they considered when making awards to applicants. These included not only the applicant's specific needs and preferences, but also how to get the award to the applicant in the fastest way possible; how to ensure that the award was used to meet the applicant's needs in the way intended; and how the payment could be made to stretch as far as possible.

17. The consultation document set out proposed timescales for processing CGs, and respondents were asked if they agreed with these. Around three-quarters (72%) agreed and 28% disagreed. There appeared to be different understandings about statements made in the draft statutory guidance (and draft regulations), suggesting that clarification may be required on this issue. Those agreeing with the statutory guidance emphasised the importance of avoiding delays in making decisions for people who were faced with a crisis or emergency. However, they also thought decision makers should have the discretion to extend timescales in some cases to allow applicants to complete their applications. Those disagreeing thought that the proposed timescales could result in a greater number of applications being declined, or applicants not being awarded the amounts requested due to insufficient information.
18. The other issue raised by respondents was that, for the purpose processing crisis grants, the working day should be considered as from 9am to 4pm (not 4.45pm as set out in the draft statutory guidance). The point was made that if 4.45pm is the cut off time, there would be insufficient time for an application to be taken and the necessary verification checks to be carried out for the grant to be paid the same day. Therefore, respondents thought that any application received after 4pm should be treated as having been received the next working day.

### ***Exclusions from CGs and CCGs (Chapter 7, Q10 – Q13)***

19. Annex A of the draft statutory guidance contained a list of 19 excluded items for which, it was proposed, CG and CCG awards should not be made. (Examples included: a television or radio; school uniform; holidays; funeral costs; etc.) Respondents were asked if they agreed with proposals to exclude two further items: substantial improvements to private property and repatriation costs (i.e. costs associated with assisting a person to return to their home country).
20. Around three-quarters of respondents (71%) agreed with the proposal to exclude substantial improvements to private property and 79% agreed with the proposal to exclude repatriation costs. Those in favour of excluding these items thought that the SWF was not the most appropriate source of funding for these costs. Those *not* in favour thought that local authorities should have the discretion to make awards for these items in exceptional cases.
21. Respondents were also asked if they thought anything should be added or removed from the current list of exclusions. Seventeen percent (17%) suggested



items to be added and 29% suggested items they thought should be removed from the list of exclusions.

### ***Vulnerabilities and equalities impacts (Chapters 8 and 9, Q14 - Q16)***

22. Annex C of the draft statutory guidance contained a list of vulnerabilities (i.e. factors that might increase a person's vulnerability) that local authorities should consider when processing applications. (Examples of vulnerabilities were: frailty or old age; learning difficulties; being a lone parent; being an ex-offender; children living with a disabled adult; etc.). Respondents were asked if there was anything on the list of vulnerabilities that should be removed, or anything that should be added. Just over a quarter (28%) suggested that one or more vulnerabilities should be removed from the list, and 38% thought that one or more vulnerabilities should be added.
23. The consultation asked respondents for their views about what impacts the draft regulations and statutory guidance could have on vulnerable groups. Respondents identified potentially adverse impacts for single people / couples without children; people with disabilities; women (including disabled women and migrant women); older people and their carers; and black and minority ethnic groups (including refugees, migrants, and gypsy travellers).

### ***Other comments on the draft regulations and statutory guidance (Chapter 10, Q17- Q19)***

24. Respondents were asked for their views on the effects, gaps or unintended consequences of the draft regulations, and whether they had any other concerns, comments or suggestions on the draft statutory guidance. Respondents' comments on the draft regulations focused on: improving access to the Fund; clarifying statements about the need to request reviews in writing; and improving the process of notifying applicants about the outcome of decisions.
25. Additional points made in relation to the statutory guidance included: the importance of recognising the preventative nature of the Fund within the statutory guidance (and draft regulations); encouraging a more holistic approach to providing support to applicants; and the need for ongoing training for staff involved in the administration of the Fund.

### ***Comments on the application form (Chapter 11, Q20-Q22)***

26. The consultation invited comments about whether there should be a combined application form for CGs and CCGs, or two separate application forms. A majority of respondents (59%) were in favour of a combined application form.
27. Respondents also suggested a range of improvements to the application form, including changes to the wording of certain sections of the form, and improvements to its layout, signposting, structure and flow.

# 1 INTRODUCTION

- 1.1 This is a report of the findings from a public consultation undertaken by the Scottish Government on draft regulations and statutory guidance under the Welfare Funds (Scotland) Act 2015. The draft regulations and statutory guidance were published on 27 May 2015 and the consultation ran for three months, with a closing date of 21 August 2015.<sup>[1]</sup>

## Background

- 1.2 The Scottish Welfare Fund (SWF) was established in April 2013, replacing elements of the Social Fund abolished by the Department for Work and Pensions (DWP). It is a national scheme, delivered on behalf of the Scottish Government by all 32 local authorities. The scheme is discretionary, with applications considered in accordance with interim guidance published by the Scottish Government.
- 1.3 There are two types of grant available through the SWF: Community Care Grants (CCGs) and Crisis Grants (CGs). CCGs made under the scheme help people to live independently, preventing the need for institutional care, whilst CGs help those facing disaster or emergency situations. Both are intended for those on low incomes. As they are grants, they do not need to be repaid by the recipient. Since April 2013, the SWF has helped more than 164,000 households.
- 1.4 The Welfare Funds (Scotland) Act 2015 was first introduced to Scottish Parliament on 10 June 2014 and received royal assent on 8 April 2015. The Act will come into force on 1 April 2016. Interim guidance was issued to local authorities in April 2013, with updates in October 2013, May 2014 and April 2015. Between 27 May 2015 and 21 August 2015, the Scottish Government consulted on the permanent arrangements for the SWF, specifically draft regulations and new statutory guidance.
- 1.5 The consultation sought views about these new permanent arrangements, specifically about certain policy issues, the contents of the draft regulations and statutory guidance, and ways the current application form could be improved.

## About the consultation

- 1.6 The consultation paper was in four sections and contained 22 questions. The first section sought views on a range of policy issues and the equalities impacts of the draft regulations and statutory guidance (Questions 1-16). The second section asked for views about the draft regulations (Questions 17 and 18). The third section contained a single question (Question 19) inviting

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<sup>[1]</sup> <https://consult.scotland.gov.uk/welfare-funds/regulations-and-statutory-guidance-under-the-welf>

comments or suggestions about the draft statutory guidance not already covered in the first 16 questions. The final section invited comments to inform the development of the application form for the permanent SWF (Questions 20-22).

- 1.7 The consultation paper also included annexes containing a copy of the 2015 Act (Annex A); the draft regulations (Annex B); the draft statutory guidance (Annex C); and the current combined CG and CCG application form (Annex D).
- 1.8 A separate, Easy Read version of the consultation document was also made available. This contained 12 questions. The Easy Read questions were slightly different to those in the main consultation paper, but they focused on a subset of the issues discussed in section 1 of the consultation paper. All 12 of the Easy Read questions were open; there were no tick-box questions.
- 1.9 Information about the consultation was specifically sent to all Scottish local authorities and a wide range of third sector organisations that have an interest in welfare reform, or a role in supporting the rights and welfare of people who may be living in or at risk of poverty. In addition to seeking formal responses, the Scottish Government hosted and coproduced a series of events with the third sector to spark debate and generate interest in the consultation.
- 1.10 The consultation was hosted on the Scottish Government's Citizen Space Consultation Hub, which provided a facility for people to submit their responses online.

### **About the analysis**

- 1.11 Frequency analysis was undertaken in relation to all the closed questions and the findings are shown in tables throughout this report. Comments made in response to open questions were analysed qualitatively to identify the main themes (i.e. reasons that respondents gave for their views; differences in views between different groups of respondents; areas requiring clarification; and any concerns raised by respondents).
- 1.12 Not all respondents answered all questions, and sometimes they made comments in relation to a question without ticking 'yes' or 'no'. In these cases, no attempt has been made to impute a response to the closed question on the basis of the comments made.

## 2 ABOUT THE RESPONDENTS

2.1 This section provides information about the respondents to the consultation.

### Number of responses received

2.2 The main consultation received 61 responses – 53 from organisations and 8 from individuals. (See Table 2.1.)

**Table 2.1: Number of respondents**

Type of respondent	n	%
Organisations	53	87%
Individuals	8	13%
<b>Total</b>	<b>61</b>	<b>100%</b>

2.3 In addition, two responses were received to the Easy Read consultation. One of these was submitted by an organisation and one by an individual. The individual respondent answered all 12 questions in the Easy Read questionnaire; the organisational respondent answered only four of the questions.<sup>1</sup>

2.4 Most (53) of the responses to the main consultation were submitted through the online response form. However, eight responses were sent by email. Five of these included comments that were relevant to the consultation, but did not directly address the consultation questions. The responses to the Easy Read consultation were submitted by email and post.

2.5 Not all respondents answered all questions in the consultation, and it was also sometimes the case that respondents submitted comments in response to certain questions, but did not answer the associated 'yes / no' questions. Full details of the numbers responding to individual questions in the main consultation are shown at Annex 1.

### The respondents

2.6 Table 2.2 below provides a breakdown of the number and type of organisational respondents who took part in the main consultation.

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<sup>1</sup> Given the small number of Easy Read responses, and the different questions asked in the Easy Read questionnaire, these are not included in the tables in this report, but are included at appropriate points in the qualitative analysis of respondents' comments.

**Table 2.2: Organisational respondents**

	<b>Number of responses</b>	<b>%</b>
Third sector / equality organisations	21	40%
Local government organisations	18	34%
Housing organisations	8	15%
Other organisational respondents	6	11%
<b>Total</b>	<b>53</b>	<b>100%</b>

2.7 Organisational respondents included third sector / equality organisations; local government organisations (17 of Scotland's 32 local authorities submitted responses); and housing organisations. 'Other' organisational respondents included academic, NHS and legal organisations and professional associations. The Scottish Public Services Ombudsman (SPSO), who will have a statutory role under the 2015 Act, also submitted a response. A complete list of organisational respondents is included at Annex 2.

### 3 DEFINING LOW INCOME (Q1 AND Q2)

- 3.1 SWF grants are intended for people who are low incomes, and cannot access assistance elsewhere. One of the indicators of a person being on a low income under the interim SWF is that he / she is entitled to certain benefits from the DWP. However, if a person is not entitled to one of these benefits, local authorities can use other information (including information they hold about a person's entitlement to housing benefit or council tax benefit) to decide if that person is on a low income. This approach gives local authorities the flexibility to award grants to people who are on a low income for a wide range of reasons, and is more efficient and cost-effective than undertaking a full income assessment. However, it also means that there can be differences between local authorities in how decisions are made about what a low income is.
- 3.2 The consultation document asked respondents to give their views on possible methods that local authorities could use to decide whether an applicant is on a low income. Three options were presented, as set out below, with option 1 effectively representing the status quo.

- **Option 1** – Continue to use the same method as for the interim SWF: Local authority decision makers make a judgement on whether the applicant is on a low income based on the information given by the applicant, which benefits they are entitled to and information they already have in their other benefit systems. This will mean that local authorities use slightly different methods to define low income, as they do now.
- **Option 2** – Make a list of different 'approved' ways that local authority decision makers could use to decide whether the applicant is on a low income: This might include considering the applicant's entitlement to certain welfare benefits, levels of tax credits, council tax reduction or housing benefit. This would still mean some variation but less than under the current system.
- **Option 3** – Decide a set level of income and ask local authorities not to make grants to anyone whose income is higher. The level of income could be different depending on what sort of household the applicant is in. This approach would reduce variation between local authorities but would also mean that local authorities cannot make their own judgements about whether to give someone a grant if their income is above the set level.

- 3.3 The consultation asked respondents two questions on this issue:

**Question 1:** Is it a problem that local authorities use different ways to decide whether or not a Scottish Welfare Fund (SWF) applicant is on a low income to check that they are eligible for an award? (Yes / No)

Please explain your answer.

**Question 2:** What is the best way for a local authority to decide that an SWF applicant is on a low income? (Option 1 / Option 2 / Option 3 / Other – please give details).

Please tell us why you have chosen this option and explain the advantages and disadvantages.

## Views on the current arrangements (Q1)

3.4 Table 3.1 below shows that around two-thirds of respondents (67%) thought it was a problem that local authorities currently use different ways to decide eligibility for a SWF grant. However, a third (33%) did not see it as a problem. Third sector organisations, 'Other' organisational respondents and individual respondents were most likely to see variation in local authority decision making as a problem, whereas housing organisations were divided in their views on this issue, and a majority of local authority respondents did not see it as an issue.

**Table 3.1: Is it a problem that local authorities use different ways to decide whether or not a SWF applicant is on a low income to check that they are eligible for an award?**

	Yes		No		Total	
Local government	7	44%	9	56%	16	100%
Third sector / equality organisations	13	93%	1	7%	14	100%
Housing organisations	4	57%	3	43%	7	100%
Other organisational respondents	4	100%	–	0%	4	100%
Individuals	5	63%	3	38%	8	100%
<b>Total</b>	<b>33</b>	<b>67%</b>	<b>16</b>	<b>33%</b>	<b>49</b>	<b>100%</b>

3.5 Fifty-six (56) respondents (48 organisations and 8 individuals) submitted comments at Question 1. Irrespective of whether respondents ticked 'yes' or 'no', they often made similar points in their comments. Those who ticked 'no' generally argued for the importance of flexibility and discretion to take into account each individual's circumstances and local costs of living. Those who ticked 'yes' generally emphasised a need for greater consistency in decision making, but also wanted local authorities to be able to retain the ability to exercise discretion.

### ***Calls for greater consistency***

3.6 The main point made by those who answered 'yes' to Question 1 was that greater consistency in local authority decision making would be desirable. Respondents repeatedly highlighted the potential for inequity and unfairness if an application to one local authority resulted in the award of a grant, while the same application to another authority might not. Some respondents gave specific examples of cases they were aware of where this had occurred.

3.7 This group of respondents made the point that inconsistencies between local authorities in their decision making was confusing – not only for applicants, but also for housing, information and advice agencies working across multiple authorities to support applicants.

- 3.8 Two other points made by this group, less often, were that: (i) greater consistency would make the work of the SPSO easier; and (ii) inconsistent thresholds for grants across Scotland would result in inconsistencies in monitoring and reporting for national statistics, thus potentially masking the real level of demand for SWF grants.
- 3.9 Despite the calls for more consistency in decision making, respondents nevertheless also wanted local authorities to retain the ability to be flexible and use their discretion.

### ***Need for flexibility***

- 3.10 Those who ticked 'no' in response to Question 1 generally highlighted the importance of local authority decision makers having the flexibility and discretion to give grants to those who are most in need – while also taking into account local economic conditions. This group pointed out that one aspect of local decision making involves a consideration of the local cost of living – i.e. housing costs are higher in some parts of Scotland; food and transport costs are higher in rural areas, etc. This group also argued that if a rigid set of criteria were applied in determining eligibility for SWF grants – for the purpose of achieving consistency across local authorities – it would remove the possibility of awarding grants to people who are clearly in need, but who may not meet the criteria.
- 3.11 Some respondents commented that existing SWF guidance was helpful and facilitated a generally consistent approach across local authorities. However, others acknowledged that there were some inconsistencies in decision making between local authorities, but they believed that these inconsistencies could be explained and were reasonable. Thus, this group thought that the current arrangements are largely working well. Some respondents pointed to safeguards available for applicants (i.e. review processes), and local forums that helped to promote good practice (i.e. local SWF practitioners' groups).

### ***Other issues***

- 3.12 Respondents in both groups commented that there continued to be some confusion about whether entitlement to certain DWP benefits was a pre-requisite to applying for an SWF grant. There was a perception that some local authorities would not accept applications from individuals who were not in receipt of one of the qualifying benefits – or that applications from those not in receipt of benefits would only be considered in exceptional circumstances. There was a feeling that statements to this effect were discouraging many potential applicants. Respondents emphasised the importance of clear information to applicants on this point, and there was general agreement among respondents that 'low income' should not be defined solely as an entitlement to or receipt of benefits.



## Ways of deciding if an applicant is on a low income (Q2)

- 3.13 Table 3.2 below shows the number and proportion of respondents who chose each of the three options presented. (See again paragraph 3.2 above.) The table shows that the largest proportion of respondents (46%) chose Option 2 (make a list of different ‘approved’ ways that local authority decision makers could use to decide whether the applicant is on a low income). In addition, of the 13 respondents (23%) who selected ‘Other’ in response to this question, nine of these advocated a slight variation of the Option 2 approach (discussed below). Option 3 (set a low income threshold, with no grants made to people whose income is above the threshold) was the least popular option, selected by six respondents (11%).
- 3.14 One of the respondents to the Easy Read consultation chose Option 2 and the other chose Option 3 in response to this question.

**Table 3.2: What is the best way for a local authority to decide that an SWF applicant is on a low income?**

	Option 1	Option 2	Option 3	Other	Total
Local government	6 33%	9 50%	2 11%	1 6%	18 100%
Third sector / equality organisations	3 17%	7 39%	2 11%	6 33%	18 100%
Housing organisations	1 13%	6 75%	1 13%	– 0%	8 100%
Other organisational respondents	– 0%	1 25%	1 25%	2 50%	4 100%
Individuals	1 13%	3 38%	– 0%	4 50%	8 100%
<b>Total</b>	<b>11 20%</b>	<b>26 46%</b>	<b>6 11%</b>	<b>13 23%</b>	<b>56 100%</b>

- 3.15 Fifty-four respondents (48 organisations and 6 individuals) made comments at Question 2. Irrespective of whether they chose Option 1, 2 or 3, or advocated an ‘Other’ option, the main focus of respondents’ comments was about finding the most appropriate balance between having greater consistency and transparency in decision making on the one hand, and having a flexible system that allowed for discretion on the other. Respondents (including those who chose Option 3) were nearly unanimous in wanting some level of discretion to remain in decision making – a view endorsed by one of the respondents to the Easy Read consultation.
- 3.16 A recurring theme in the comments on Question 2 (as in Question 1) was that respondents did not want grant eligibility to be linked entirely to applicants’ entitlement (or receipt) of certain benefits. They did however largely support the idea (stated in the interim guidance) that if an individual’s income was ‘equivalent to that of someone living on benefits’, then they should be considered as having low income. Respondents gave examples of numerous situations in which people may be in crisis or on a very low income, but not be in receipt (or eligible for) benefits, e.g. people in the process of moving into

work; those who are in work, but on a very low income; women experiencing domestic abuse; refugees; older people who are entitled to Pension Credit, but who do not claim it, etc.

- 3.17 Related to this point, some respondents emphasised that decisions should primarily be based on the applicant's *need* and *vulnerability*, rather than on the basis of their household income or eligibility for benefits. Occasionally, it may be appropriate for people on higher incomes to receive assistance, since a sudden crisis or an emergency can affect anyone (e.g. an individual's purse is stolen with all their money and cards). Thus, it was suggested that the 'low income' test was perhaps more relevant in relation to CCG applications, rather than CG applications, which should focus on the nature of the crisis experienced by the applicant.
- 3.18 Option 2 was generally seen as promoting the greatest level of consistency in decision making, while still giving local authorities discretion and flexibility.

### ***Advantages and disadvantages of the three options***

- 3.19 Views about the advantages and disadvantages of each of the three options may be summarised as follows:
- **Option 1** (the status quo / current arrangement)
    - Advantages: Flexible; allows decision makers to consider each application on its merit; enables discretion to award grants to anyone who is in need / crisis, regardless of income, taking into account local economic circumstances
    - Disadvantages: Inconsistency in decision making between local authorities; confusing for applicants and agencies that support them; makes the work of the SPSO more difficult.
  - **Option 2** (list of different 'approved' ways that local authority decision makers could use to decide whether the applicant is on a low income – local authorities could use the best way for their systems)
    - Advantages: Provides greater consistency and transparency, but also allows individual and local circumstances to be taken into account
    - Disadvantages: Could result in over-subscription to the SWF in different areas; move towards an 'entitlement'-based approach, and away from discretionary approach; still likely to be some inconsistency in decision making.
  - **Option 3** (set a low income threshold above which no grants will be made)
    - Advantages: Clearer and more consistent decision making
    - Disadvantages: Reduces flexibility and discretion to give grants to people whose income may be (marginally) above the threshold; will likely exclude people who are vulnerable and in crisis.

### **'Other' options**

- 3.20 As noted above at paragraph 3.14, 13 respondents ticked 'Other' in response to Question 2. One of these discussed perceived problems with the current scheme (in particular that it discriminated against people who are disabled and / or with long term conditions). A second respondent discussed a locally developed tool which provided a 'rule of thumb' guide to support decision making. Two respondents discussed the importance of not only considering an applicant's income, but their *disposable* income. (This view was endorsed by one of the respondents to the Easy Read consultation.)
- 3.21 The remaining nine in this group supported a slight variation of the Option 2 approach. This group emphasised the importance of not restricting the definition of 'low income' to the entitlement (or receipt) of certain qualifying benefits. Some respondents (both in this group and among those who chose Option 2) also made suggestions for other things that could be added to the list of 'approved' methods. These included:
- In receipt of working tax credits
  - Eligible for (or in receipt of) disability-related benefits (Disability Living Allowance, Personal Independence Payment (PIP) or Armed Forces Disability Payments)
  - Reference to a bank statement, or to 'a trusted official / caseworker' (e.g. in the NHS, social work, or third sector service).
- 3.22 The point was also made that disability-related benefits should not be considered as 'income' in any attempt to calculate an applicant's income.

## 4 LIMITING REPEAT AWARDS FOR CGS AND CCGS

- 4.1 The consultation document included information about the number of repeat awards for both CCGs and CGs, and noted that between April 2013 and December 2014, around 1% of households (out of 92,600) had applied for a CCG three times or more. In relation to CGs, 23% of households (out of 120,400) applied three times or more in the same period.
- 4.2 Under the interim SWF, individuals would ordinarily only be given a maximum three CG awards per year. This means that couples or families (two people sharing a household) might be given up to six CG awards per year, as each individual can receive three awards. However, single people, including single parents (not in a shared household) could only be given three CGs per year. This was seen to be unfair to single people, and it was therefore proposed to limit the number of CG awards in any year to three for each household. A similar limit was proposed for CCGs (three per household per year), and the possibility of limiting the number of times that a CCG could be given *for the same item* in a set period being considered. It was suggested that these proposals would allow the SWF to give grants to as many different people as possible, rather than the Fund being spent on a smaller number of people who apply more often.
- 4.3 The consultation document asked three questions about these issues.

**Question 3:** What do you think the consequences would be if we limited CG awards to three per household per year?

**Question 4:** What do you think the consequences would be if we limited CCG awards to three per household per year?

**Question 5:** Do you think that there should be a limit on the number of times that a CCG can be given for the same item in a set period? (Yes / No)

If so, what should the limits be? Please explain your answers.

- 4.4 Questions 3 and 4 were open questions. Respondents were not specifically asked if they agreed (or disagreed) with the proposals; rather they were asked for their views about the consequences of the proposed limits.
- 4.5 Question 5, on the other hand, did include a tick-box question, and the results of this analysis are presented towards the end of this chapter.
- 4.6 There was considerable overlap in respondents' comments at Questions 3, 4 and 5, with the arguments and views presented at Question 3 often repeated at Questions 4 and 5. Thus the responses to these three questions have been considered together in the analysis of Question 3 which concerns the proposal to limit CGs to three per household per year. Any additional points which related specifically to the two questions about CCGs will be presented separately below.

## Limiting CG awards (Q3)

4.7 Altogether, 58 respondents (50 organisations and 8 individuals) replied to Question 3. Respondents were more likely to identify negative consequences than positive ones, and although the question did not ask respondents whether they agreed with the proposal, those who highlighted negative consequences often explicitly stated their opposition.

### ***Positive consequences***

4.8 Local authorities were the group most likely to identify positive consequences, or to say that there would be no consequences. This group thought the proposed change would be fairer, increase consistency, and avoid discrimination against single parents in particular. They also thought it could have the positive effects of:

- Encouraging applicants (who are able to) to be more proactive in seeking help, or making them more willing to accept help, to address the underlying causes which led to the crisis (the point was made that applicants sometimes refuse additional help when it is offered)
- Encouraging a more holistic approach to supporting people in crisis
- Protecting the Fund from exploitation by a small number of applicants and ensuring funding was available for a wider range of people.

4.9 Some local authorities also thought that the proposed limit would reduce the administrative burden of appeals having to be heard for refusals for the fourth (or more) awards, but others suggested the change could lead to an *increase* in reviews or complaints by households arguing that their cases are exceptional.

4.10 Some local authorities expressed caveats to their general support, stating that the proposal would be fair and acceptable so long as:

- Support / money advice was given to applicants after the first CG award
- Applicants were aware of the limits
- Local authorities continue to have the discretion to award more than three grants (particularly in cases where there had been a relationship breakdown or an unexpected change to household income).

4.11 To ensure consistency across Scotland, it was suggested that the draft regulations and statutory guidance should clarify the approach to be taken in situations where couples have separated, and when discretion could allow additional awards to be made to individuals who had previously been part of a grant-receiving household.

4.12 Housing organisations and individual respondents were more likely to identify negative consequences than positive ones. However, among those who saw positive impacts, the points made – and the caveats – were similar to those made by local authorities.

4.13 In the Easy Read questionnaire, this question was worded as: 'Do you think it would be fair to say that each couple can only have three Crisis Grants a year?' Only one of the Easy Read respondents replied. This individual thought the proposal was fair, but also thought local authorities should be able to make exceptions. The example was given of a couple with a disabled child.

### ***Negative consequences***

4.14 While local authorities generally supported the proposal, half the local authorities taking part in the consultation also identified possible adverse consequences, particularly for vulnerable families / children and in situations where domestic abuse may be an issue. These included:

- Risk of further crisis
- Increasing reluctance for applicants to apply for support earlier in the year, in case they need to 'save' assistance for another time
- Increasing use of foodbanks
- Increasing or exacerbating pressure on extended families and charities.

4.15 The potential negative impacts on councils was also highlighted, including the potential for increased pressure on other council budgets, and the practical difficulty and additional administrative burden of determining what constitutes a 'household' and of trying to keep track of which household a person was part of when they applied for assistance from the Fund.

4.16 Third sector respondents were almost unanimous in identifying *only* negative consequences from the proposal. (Only one third sector respondent identified any positive consequences.) This group often highlighted specific populations that would be adversely affected by limiting CGs. These included:

- Women (particularly those experiencing domestic abuse): This group is more likely to have their finances controlled by a (usually) male head of household. They could be excluded from receiving an award if their partner had already had three CG awards, thus putting their financial independence at risk and making it harder to leave an abusive relationship.
- Adults with disabilities: This group is more likely to live in a household with multiple adults (parents or other family members), and could be excluded from securing a grant if another adult in their household had already received three grants.
- Care leavers, looked after children and kinship carers: Looked after children can experience multiple placements and different households; and care leavers can often find the transition to independent living a struggle.
- Families of prisoners on home leave: DWP benefits are not adjusted to reflect additional costs of hosting a relative, and so some families must manage on below subsistence levels of income during these visits.

- Victims of racial or disability harassment: This group may have legitimate reasons for needing to move house several times in a year.
- People with cognitive impairments, or families with a cognitively-impaired child: Some disabilities can result in repeated damage to furniture.
- People with addictions or mental health problems
- Children living in a family where a parent has an addiction
- People who have difficulties in managing their finances due to learning disability, mental health issues or addiction
- Refugees, who often have to make multiple applications while waiting for benefits to come through.

4.17 Respondents identified the following potential adverse effects from limiting awards for households:

- An increased use of foodbanks, pawnbrokers, doorstep credit, payday loans and other illegal money lending
- Increased hardship and risk to health
- Difficulties in sustaining tenancies and increased homelessness
- More expensive intervention required later and increased pressure on other local authority services
- An increase in illegal activity / offending
- People in genuine need being excluded from accessing a grant.

4.18 This group of respondents often supported their views with reference to existing evidence (including monitoring data from the SWF). They noted that:

- Repeat applications to the Fund are made in a relatively small number of cases
- Families accessing the Fund are using it to fulfil the most basic of needs – food and heat
- Much of the criticism of Universal Credit was that it is being paid to only one individual in the household; there was a view that this system should not be replicated in Scotland
- Around 11% of CG claimants are not claiming other benefits.

4.19 A view expressed repeatedly by this group was that access to the SWF should be based on need and circumstances, and not on ‘arbitrary limits’. Respondents thought that a further risk of introducing such a limit was that local authorities would treat the upper limit as absolute, thus preventing people from getting assistance when they genuinely needed it.

*“[W]e do not agree with the statement in the consultation document that, ‘the SWF should make grants to as many different people who qualify as possible, rather than being spent on a smaller number of*

*people who apply more often.’ The purpose of the fund is to prevent crisis and promote independent living. We believe that SWF awards should be directed to those who most need this kind of intervention, not necessarily the largest number of people.” (Third sector organisation)*

- 4.20 There was also a concern that this proposal seemed to be based on an assumption that people living unsettled lives ‘were getting more out of the Fund that they might deserve,’ and a further concern that applicants may be turned away from the Fund if they have already had three awards, without being given the opportunity to explain their situation.

### **Other general comments**

- 4.21 Respondents in this group also made a range of more general points, including that:

- Limiting households to a maximum of three awards does not recognise the complexity of people’s living arrangements and the movement between different households.
- The proposal is underpinned by an assumption that resources are shared equally within a household and an application made to the SWF is made on behalf of both partners. In reality, one partner could apply for a CG because s/he has been deprived of the means necessary to feed family by a violent spouse.
- Experiencing one disaster or emergency can make people vulnerable to others. People with mental illnesses or people with severe disabilities are also more likely to experience crisis.
- A household could comprise a number of people with different needs; and crisis may affect individuals separately.
- Given the under-spend within the Fund in some areas, the proposal to limit access to it was concerning.
- Further work should be undertaken to understand why there are repeat applications to the Fund.

*“The client group I work with are often vulnerable people who are in and out of custody meaning that very often their benefits are stopped and they have to go long periods of time without receiving any money. I’m finding a lot of my clients are ending up borrowing from local loan sharks and getting themselves into quite serious problems. I have also found a lot of the women I work with are struggling because their partners retain control of their money and have found that on some occasions these women have been left with nothing to heat the house or feed their children. I understand that crisis grants are not there to subsidise people spending their benefits elsewhere but there are people in horribly difficult situations in our communities for whom crisis grants are the difference between them or their children starving*



*or between them having to do dangerous things to be able to get by.”  
(Individual respondent)*

### **Alternative approaches and mitigation measures**

- 4.22 This group often suggested alternative approaches to limiting access to grants, and / or mitigation measures if the proposal were to be taken forward. Local authority respondents also sometimes offered suggestions for mitigating the potential adverse impacts of limiting grants.
- 4.23 Alternative approaches sometimes focused on the needs of specific groups. For example:
- Increase the number of CG applications for single parents from three to six for each 12-month period. This would reflect the fact that being a lone parent may increase the risk of vulnerability. Couples with no children should be restricted to three applications per year.
  - Payment of more than three CGs should be conditional upon the applicant being referred for income maximisation, personal budgeting support and debt advice, and payment should only be made once the applicant has attended an appointment. The target date for processing a CG in these cases should reflect the extended time period required.
  - Allowing award recipients to spread or split the grant payments over a period of time, rather than requiring them to submit further applications to resolve the same crisis.
- 4.24 Mitigation measures (if the decision is taken to limit awards) included:
- Publicising this decision widely, particularly to those people who have been using the Fund for the past two years
  - Providing additional specialist support (when an applicant applies for a second award) – this may include financial advice, income maximisation, advocacy support, or support for mental health and wellbeing.

### **Limiting CCG awards (Q4)**

- 4.25 Fifty-seven (57) respondents (49 organisations and 8 individuals) replied to Question 4 (in relation to limiting CCG awards to three per household per year). As noted in paragraph 4.6 above, respondents' comments at Question 4 often repeated or reiterated comments made at Question 3.
- 4.26 However, some additional points were also made at Question 4 which were specific to the purpose of CCGs, and in particular, there appeared to *less* support among local authorities for introducing a limit on the number of CCGs, with some questioning the reasons for this proposal, highlighting potentially adverse consequences for certain groups, and (in a few cases) stating their opposition to the change.

*“The ultimate purpose of CCG is to help individuals to remain or re-settle in their community. Any change to the existing guidance in this area will not enable the policy intent to be satisfied. There is a possibility that we could be imposing hardship on vulnerable members of society. [We] do not support this as claimants who live an unsettled or chaotic way of life sometimes end up having to move tenancies through no fault of their own, so decision makers still need discretion here to ensure the fund is supporting the most vulnerable members of our community.” (Local authority)*

4.27 Furthermore, where there was support for this proposal, it was often on the basis that it is ‘rare’ for CCG applicants to request more than three awards per year. Thus, local authority respondents generally thought that a limit of three per year per household would not have any significant consequences, or affect the overall number of claims made in any significant way. This same argument was used by a local government respondents who questioned the need for the proposed limit on CCG awards.

*“What would be the policy intention behind this restriction? Official statistics show a limited number of applicants applying for CCG more than once in a year, so the introduction of an arbitrary restriction could seem excessive.” (Local government organisation)*

4.28 In the Easy Read consultation, this question was worded as: ‘Do you think it would be fair to say that a person can only have three Community Care Grants a year?’ One respondent answered ‘yes’ and the other answered ‘no’. However, both emphasised the importance of local authorities being able to make exceptions.

### **Positive consequences**

4.29 The following positive consequences were identified by (mostly) local authority and (some) housing respondents:

- It would stop repeat applications, and ease pressures on agencies and local authorities
- It would provide an additional incentive to the claimant to try and maintain a tenancy for a longer period
- It would help to reduce ‘opportunistic’ applications and reliance on the Fund thus protecting the budget
- It might encourage people to take better care of the item they were originally awarded
- It would reduce the potential misuse of the Fund and allow more people / households in need to be supported

4.30 However, even among those who seemed to support the proposed limit on CCG awards, there was a repeated emphasis on local authorities retaining

the discretion to award more than three when the circumstances required it. Respondents called for the draft regulations and statutory guidance to be clear on the issue of local authority discretion.

### ***Negative consequences***

4.31 It was thought that the proposal to limit CCG awards could have negative consequences for the following groups.

- Women (in particular those affected by domestic abuse)
- Single people and lone parent households (and thus children and young people in the most vulnerable households)
- Prisoners, and people who care for prisoners or young offenders (on temporary release or on completion of a sentence)
- Families of looked-after children, kinship carers and care leavers
- People with a disability or parents of a disabled child / adult.

4.32 Respondents commented that these groups could have entirely legitimate reasons for needing to apply for more than three CCGs in a year. The point was also made that, depending on what type of support an applicant requests in their first application, it would not necessarily make sense to limit the *number* of applications, but rather to limit the number of applications *for the same item*. (This latter point will be discussed further in relation to respondents' comments at Question 5 below.)

*“Where someone successfully applies for a single item on three separate occasions they will have exhausted their right to claim. However, someone who successfully claimed all three items at the same time would still be able to make two further claims. A distinction therefore needs to be made between consecutive applications and repeat applications for the same items rather than the total number of applications.” (Local authority)*

4.33 Respondents repeatedly highlighted the importance of CCGs ‘for the most vulnerable people in society’. Those who were opposed to limiting CCG awards challenged the rationale set out in the consultation document in relation to ‘protecting the Fund’:

*“The priority here should be not to protect the fund but to meet the needs of some of the most vulnerable people in society. Limiting the number of times a person can avail of a community care grant will not prevent them from needing more support or assistance – providing the best, most adequate support early on would be a far better way to ensure that individuals do not need to make multiple applications to the welfare fund.” (‘Other’ organisational respondent)*

4.34 These respondents wanted to see all applications treated on their own merits.

## **Suggestions for alternative approaches**

- 4.35 Some respondents suggested alternative approaches, including that:
- The *value* of repeat applications could be limited, rather than *number* of applications
  - The statutory guidance should focus on the *misuse* of items provided through previous CCG awards, but allow authorities the discretion to make additional awards in genuine circumstances
  - The fourth award could be restricted to the provision of floor coverings, as these are not movable from one property to another
  - If there is going to be a limit on CCGs, then this should be a limit per individual and not per household.
- 4.36 Finally, respondents reiterated the point frequently made in response to Question 3, that repeat applications should be automatically referred for additional support and advice.

## **Limiting CCG awards for the same item in a set period (Q5)**

- 4.37 Unlike Questions 3 and 4, Question 5 included a tick-box component to the question. Respondents were asked if they thought there should be a limit on the number of times a CCG could be given for the same item in a set period. Follow-up questions asked about what the limits should be, and invited respondents to explain their answers.
- 4.38 Table 4.1 below shows that respondents were divided in their views on this issue with 51% answering ‘yes’ and 49% answering ‘no’. Local authorities, housing organisations and individual respondents were more likely to answer ‘yes’, while third sector and ‘Other’ organisational respondents were more likely to answer no.

**Table 4.1: Do you think that there should be a limit on the number of times that a CCG can be given for the same item in a set period?**

	Yes		No		Total	
Local government	12	67%	6	33%	18	100%
Third sector / equality organisations	1	8%	12	92%	13	100%
Housing organisations	6	75%	2	25%	8	100%
Other organisational respondents	1	25%	3	75%	4	100%
Individuals	6	75%	2	25%	8	100%
<b>Total</b>	<b>26</b>	<b>51%</b>	<b>25</b>	<b>49%</b>	<b>51</b>	<b>100%</b>

- 4.39 Altogether, 48 respondents (41 organisations and 7 individuals) made comments at Question 5. Irrespective of whether they ticked ‘yes’ or ‘no’ at Question 5, respondents often gave examples of circumstances in which an individual awarded a CCG grant may need to apply for the same item again

within a relatively short period of time through no fault of their own. These circumstances were considered to be not very common. For example:

- A person may apply for a CCG for the installation of a gas / electricity supply on more than one occasion.
- Bedding may need to be replaced (if a person moves home, and also if there is a disabled child / adult living in the house).
- A family fleeing domestic violence or racial harassment may need to move house at very short notice.
- Some groups take time to establish a settled home (e.g. recently released prisoners, care leavers, etc.).
- Flooding from an uninsured upstairs neighbour could cause damage to property.
- The applicant could be a victim of theft.

4.40 Therefore, those who ticked 'yes' thought local authorities should have the discretion to be able to award the same items again in exceptional cases. This view was echoed by a respondent to the Easy Read consultation.

#### ***Reasons for supporting a limit***

4.41 Those who ticked 'yes' at Question 5 made the point that new white goods / appliances should last for a period of years; that applicants should be expected to take reasonable care of these items; and that applicants would also ordinarily be expected to take these items with them when they move house. There was also a view that providing one household with a replacement item could prevent another household from receiving it.

4.42 Respondents made different suggestions about the period of time for which the limit should apply. This ranged from 12 months to 36 months, and it was suggested that the limit should apply only to white goods / appliances and larger items of furniture. The point was also made that, in general, white goods would be under warranty (warranties appeared to range from 1-3 years according to respondents), and so any need to replace the item in this period would not, in any case, result in an additional cost to the Fund. An exception should be made in cases where an applicant had been given a reconditioned second-hand appliance which may not be under warranty.

4.43 There was a view that smaller items (for example, towels and bedding) should not be restricted, as these items could easily be damaged or worn out more quickly as a result of a medical condition. However, there was also a contrasting view that the limit on other items (i.e. not appliances) should be one year.

4.44 Other points raised by this group included:

- Decisions about whether to award an applicant a repeat item should take into account whether the person has moved house in that period.
- Where it would be reasonable to repair the item, rather than replace it, this should be pursued.
- If the applicant has sold or (wilfully) contributed to the destruction of the item, it should not be replaced.

### ***Reasons for disagreeing with a limit***

- 4.45 Those who disagreed with the proposed limit argued that: a) the number cases in which an applicant might need to reapply for the same item in a short period of time were very small; and b) there can be a range of legitimate reasons for a person to have to do this (as discussed above). This group thought that this type of limit should not be set out in the regulations, but rather that all repeat applications for the same item should be considered on their own merits and the draft statutory guidance should enable local authorities to have the discretion in every case to award the item again.
- 4.46 Some respondents in this group did, however, agree that if an individual had been careless or deliberately destructive, there could be a case for not awarding the same item again.

### ***Other general points***

- 4.47 A view shared by those who supported a limit and those who did not was that any request to replace an item after a relatively short period of time should be investigated, partly because it may be an indication that the applicant needs additional support to establish a settled home, and partly because it may highlight that the goods being awarded by local authorities are of poor quality.

## 5 PRIORITISATION OF FAMILIES FACING EXCEPTIONAL PRESSURE (Q6)

- 5.1 CCGs are intended to help people on benefits who: (a) may have to go into care unless they get some support to stay at home or (b) are leaving care and need help to set-up their own home. CCGs may also be given to families under exceptional pressure for one-off items such as cookers or washing machines. The permanent SWF will continue to make payments (via CCGs) to families under exceptional pressure in the same way as the interim SWF.
- 5.2 The consultation paper noted that, when the 2015 Act was going through Parliament, there was much discussion about families under exceptional pressure. In response to this, a requirement was included in the draft regulations (Section 9) that local authorities should give priority to families facing exceptional pressure when making decisions on CG applications:

*Crisis grants – families under exceptional pressure*

*9. In deciding whether to provide a crisis grant to an individual, a local authority is to have particular regard to whether the individual, or another individual in the same household, is facing exceptional pressure.*

- 5.3 The consultation asked respondents if they agreed with this prioritisation.

**Question 6:** Do you agree that families facing exceptional pressure should be given priority in decisions on CG applications as well as CCGs? (Yes / No)  
Please explain your answer.

- 5.4 Table 5.1 below shows that respondents were divided in their views on this question, with 49% replying ‘yes’ and 51% replying ‘no’. Housing organisations were more likely to agree, whereas local authorities were more likely to disagree. In addition, while a majority of third sector organisations agreed, a substantial proportion were not in favour of this proposal. The two respondents to the Easy Read consultation both expressed mixed views on this proposal; one of these thought that this prioritisation should only occur if there was a disabled child in the family.

**Table 5.1: Do you agree that families facing exceptional pressure should be given priority in decisions on CG applications as well as CCGs?**

	Yes		No		Total	
Local government	5	28%	13	72%	18	100%
Third sector / equality organisations	9	60%	6	40%	15	100%
Housing organisations	6	86%	1	14%	7	100%
Other organisational respondents	2	50%	2	50%	4	100%
Individuals	3	43%	4	57%	7	100%
<b>Total</b>	<b>25</b>	<b>49%</b>	<b>26</b>	<b>51%</b>	<b>51</b>	<b>100%</b>

5.5 Altogether, 52 respondents (45 organisations and 7 individuals) made comments at Question 6.

### **Arguments in support of the prioritisation of families facing exceptional pressure**

5.6 Respondents gave four reasons for supporting the prioritisation of families facing exceptional pressure in relation to CG applications.

5.7 First, they argued that households where there are dependent children should be given priority. Moreover, it was pointed out that forthcoming changes to the benefits system (changes in eligibility for tax credits and universal credit) were likely to have a disproportionately adverse impact on families with children.

5.8 Second, respondents thought that prioritising this group for welfare funding could help to mitigate risks to the health and wellbeing of children and parents – and therefore would fulfil an important prevention / early intervention purpose. The following quote illustrates these arguments:

*“Those households with dependent children should be given priority, thus embracing the will of the Scottish Government's ‘Getting It Right For Every Child’; local outcomes of Local Authorities and the early intervention and prevention approach to delivering public services as recommended by the Christie Commission.” (Local authority)*

5.9 Third, respondents thought that CGs and CCGs should be accessible to the most vulnerable and those in exceptional need. This group considered that families facing exceptional pressures were likely to fall into the category of ‘most vulnerable’.

5.10 Finally, some respondents suggested that, if families were prioritised in relation to CCGs, then they saw no reason why they should not also be prioritised for CGs.

### **Caveats**

5.11 However, among those who generally supported the prioritisation of families, some also voiced caveats. The most common was in relation to definitional issues: respondents thought that it would be important to clearly define what is meant by ‘exceptional pressure’ and ‘family’. (A definition of ‘families facing exceptional pressure’ had not been given in the consultation.) For example, in relation to the latter, there was a question about whether an adult child with learning or other disabilities living at home with elderly relatives would be considered to be a ‘family’. In relation to the former, the point was made that the definition of ‘exceptional pressure’ could vary from one family to another, depending on the circumstances. It was suggested that the statutory guidance should provide examples ‘without being prescriptive or limiting’.



- 5.12 Some respondents in this group also voiced concerns about whether the prioritisation of families could have a potentially negative impact on single people including, for example, a disabled person living on their own. One of the Easy Read respondents also raised this concern.

### **Arguments opposed to the prioritisation of families facing exceptional pressure**

- 5.13 Respondents opposed to the prioritisation of families facing exceptional pressure gave three main reasons for their view. By far, the main reason was that such a prioritisation would be discriminatory and unfair. This group argued that all applications for CGs should be assessed on their own merits, and expressed concern that by prioritising one vulnerable group, other vulnerable groups would be disadvantaged. (Examples included the elderly, people with mental health problems, people fleeing domestic violence, young adults estranged from their families.) Respondents emphasised that decisions to award grants should be based on need and not on family structure. The point was also made that, in certain circumstances, a single adult could be considered to be *more* vulnerable than a family, and moreover, that not all people *can* have a family (because of sexual orientation or disability).
- 5.14 The second argument put forward by this group is that there is no need to formalise the prioritisation of families, since applications from individuals with dependent children are already ‘fast-tracked’. Moreover, the point was made that the list of vulnerabilities included in the draft statutory guidance was framed in such a way that, for all practical purposes, households with children would be likely to secure both CG and CCG awards without the need for further regulation. Respondents commented that families in crisis often have access to multiple sources of support, whereas single people often have no other support.
- 5.15 The following quote illustrates these arguments:

*“It is counterproductive to assess individuals’ requests for support on the basis of a hierarchy of perceived vulnerability. It is important that all applications are assessed on the basis of need. By stating that priority should be given to one group, individual or family over another could be wrongly interpreted as defining the deserving and undeserving recipients of awards.” (Third sector organisation)*

- 5.16 Finally, this group of respondents highlighted the practical difficulty of giving priority to one vulnerable group over another in the awarding of grants. The point was made that CGs are intended to meet *immediate*, short-term needs arising out of an exceptional event or circumstance. To process applications quickly, decision makers must work on a first-come, first-served basis, and all applications are treated as coming from people who are ‘in crisis’. If families

were to be prioritised, it would cause delays in processing other applications. The important preventative function of the SWF was again highlighted.

## 6 PAYMENT AND PROCESSING OF CRISIS GRANTS

- 6.1 The consultation document noted Parliament's intention that CGs should be paid in cash or by cash equivalent unless it suits the applicant to have the grant paid in another manner. It also highlighted that local authorities may use different payment methods for different reasons. For example, payments by Paypoint or Allpay may be used in situations where it is too far for the applicant to travel to collect cash. Payments made by fuel card may allow the applicant to get help more quickly than if s/he has to go and buy the card first. In addition, the point was made that some local authorities no longer have cash offices as payments to local authorities are increasingly made electronically. Moreover, it may cause harm to some applicants to be paid in cash (for example, where there are dependency or addiction issues).
- 6.2 The consultation therefore sought views about which types of payments should be considered as 'cash equivalents'. Five choices were listed, and respondents could select as many as they wanted. They could also offer suggestions for other suitable cash equivalents. Comments were invited about how local authorities could make sure that the way they make the award is the best for the applicant.
- 6.3 The consultation document also set out the required timescales for processing CGs (immediately after the authority has received all information allowing a decision to be made, and in any event, no later than the end of the next work day). Furthermore, the working day was specified as between 9am and 4.45pm. Respondents were asked if they agreed with these timescales, and if not, to explain why.
- 6.4 Three questions were asked in relation to these issues.

**Question 7:** Which sorts of payments do you think are cash equivalents that local authorities should be able to use to pay SWF grants? You can choose as many as you like. (Paypoint or alternative electronic transfer / Allpay (without restrictions) or other loaded store card / Fuel cards / High street vouchers accepted at a number of outlets e.g. for clothing / Travel tickets, bought on behalf of the applicant)

If there are other forms of payments that you think would be suitable cash equivalents for local authorities to use, please tell us what they are.

**Question 8:** How can local authorities make sure that the way they are making the award, i.e. in cash or by a cash equivalent, is the best one for the applicant?

**Question 9:** Do you agree with the draft statutory guidance on timescales for processing CGs? (Yes / No)

If not please explain why.

## Views on cash equivalents (Q7)

6.5 Altogether, 51 respondents (44 organisations and 7 individuals) selected one or more of the options listed in the consultation document; two-thirds (32 out of the 51) selected all five options. Table 6.1 shows that the option chosen most often was 'Paypoint or alternative electronic transfer'.

**Table 6.1: Which sorts of payments do you think are cash equivalents that local authorities should be able to use to pay SWF grants?**

Cash equivalent option	Number of respondents	% of 51
Paypoint or alternative electronic transfer	46	90%
Fuel cards	42	82%
Travel tickets, bought on behalf of the applicant	42	82%
Allpay (without restrictions) or other loaded store card	40	78%
High Street vouchers accepted at a number of outlets	40	78%

6.6 Only one of the respondents to the Easy Read consultation replied to this question. This individual thought that cash, shopping vouchers, gas and electricity cards and payments to a mobile phone were all suitable payment methods for CGs, but that store cards and travel tickets were not.

### ***Other cash equivalents suggested by respondents***

6.7 The second part of this question invited respondents to suggest other forms of payment which could be suitable cash equivalents. Thirty-nine respondents made comments in response to this question. However, just eight of these suggested other cash equivalents, or made comments about how to improve the provision of cash equivalents for CG applicants. The other cash equivalents suggested by respondents were:

- Travel warrants / Bus fares
- Furniture (provided by an approved supplier)
- Electronic bank transfer (only if the applicant's bank account is not overdrawn)
- Gift cards (distinguished from 'vouchers') for High Street shops
- Use of 'fuel banks'.

6.8 In addition, one of the eight respondents suggested that the Scottish Government and local authorities should investigate the possibility of using mobile phones or other forms of new technology to make payments directly to applicants, or to allow applicants to shop online and receive deliveries to their home. Another suggested that a nationally negotiated contract with Paypoint, Allpay or fuel card suppliers could provide benefits (in terms of reduced local authority administration costs) similar to those achieved through the national procurement contract with Scottish Excel for domestic furniture.

## ***Discussion of cash equivalents***

- 6.9 Most respondents used the space provided by the second part of Question 7 to discuss the advantages and disadvantages of the five cash equivalent options listed, or to comment more broadly on the principle of offering cash equivalents rather than cash. In relation to this latter issue, there appeared to be different perspectives among different groups of respondents.
- 6.10 Among third sector respondents, a recurring theme was that applicants should have the right to choose how the grant is paid from among the options available. This group also argued that the payment of CG awards should be made in cash or by bank transfer *unless* the applicant prefers payment with a cash equivalent. Some called for the statutory guidance to make clear that cash (not cash equivalents) should be the default payment method, and commented that this had been the intention of Parliament during discussion of the Welfare Scotland Bill. This group generally thought that the cash equivalents listed in the consultation paper would all be suitable *so long as* the applicant preferred them over cash, and their use did not disadvantage or harm the applicant in any way.
- 6.11 Payment by cash (or bank transfer) was seen to be best because there was no stigma associated with the use of cash, and no restrictions on where and how it could be spent (thus giving people greater personal choice and control). Payment by bank transfer was also described as ‘the cheapest, most efficient, direct and convenient method of payment’. This group often focused on the disadvantages of payments made by cash equivalent.
- 6.12 Local authority respondents, in contrast, did not generally comment on the principle of cash payments vs payments by cash equivalent. Rather, this group often discussed the advantages of using different cash equivalents (and in some cases, the disadvantages of cash payments), and their experiences of making payments with cash equivalents. A recurring theme among this group was that it was important for local authorities to continue to have, not only a range of options, but the discretion to discuss and agree with the applicant the best payment method. Not all methods of payment were seen to be suitable in all geographic areas.
- 6.13 Respondents commented that cash payments are not always preferred by people, for example if their bank accounts are overdrawn, or (for those in rural areas) if they would need to travel long distances to their nearest council office to collect a cash payment. Cash payments are also not suitable for some people (i.e. because the applicant is vulnerable, or subject to financial abuse from another person, or because of a gambling or other addiction). This latter point was also made by one of the respondents to the Easy Read consultation.

- 6.14 The point was also made that the range of ways in which payments can be made is likely to increase and improve in future, and therefore, it would be better if the regulations were not prescriptive on this issue.

### ***Perceived advantages and disadvantages of payments by cash and cash***

- 6.15 As mentioned above, respondents sometimes highlighted advantages and disadvantages of different types of cash equivalents. These are briefly summarised here.

- Allpay or other loaded store card – *Advantages*: cannot be spent on alcohol or gambling. *Disadvantages*: may feel stigmatising to people.
- Paypoint – *Advantages*: can be useful for people who do not have bank accounts; particularly useful in rural areas where it may be difficult to get access to cash quickly; described as ‘fast and efficient’; can be issued by text message. *Disadvantages*: Harder for people in rural areas to use them anonymously; problems with some local services not accepting Paypoint or saying they do not have the money to fulfil requests.
- Travel tickets – *Advantage*: appropriate for people who are stranded away from home; can’t be sold on for cash. *Disadvantages*: too complex for local authorities to manage; too inflexible for applicant.
- High Street Vouchers – *Advantages*: ensures the payment is used as intended; appropriate for people who cannot manage cash due to vulnerability; can be used when shopping online. *Disadvantages*: stigmatising; inflexible (often resulting in applicant needing to purchase more expensive items); can be sold on and for less than face value.
- Providing goods instead of cash – *Advantages*: good quality and good value for money allowing the Fund to help more people; ensures the grant is used as intended. *Disadvantages*: no choice for the applicant; often fails to meet the applicant’s needs; can cause an administrative burden for local authorities.

- 6.16 Some respondents made a general point about high street vouchers that, if they are to be used at all, they should not identify the individual as a recipient of the SWF.

### **Deciding the best method of making an award (Q8)**

- 6.17 Question 8 asked respondents for their views about how local authorities could make awards in the best way for the applicant.
- 6.18 The most common response to this question from third sector organisations was: by discussing the options available, and asking the applicant which s/he prefers. Some suggested that the applicant’s preferred payment method should be recorded and, if another payment method is used instead, the local authority should be required to explain and record the reasons.

6.19 Local authority respondents often described local procedures, and the complex range of issues they considered when making awards to applicants. (Many of these same issues were discussed by non-local authority respondents too.) These included not only the applicant's specific needs and preferences, but also:

- How to get the award to the applicant in the fastest way possible
- How to ensure that the award is used to meet the applicant's needs in the way it was intended
- How the payment can be made to stretch as far as possible.

6.20 Thus, local authority respondents sometimes acknowledged that applicants would not always be paid in their preferred manner.

6.21 Local authorities and housing organisations often suggested that decision makers might, in some situations, discuss the issue with a support worker, advocacy worker or other professional involved with the applicant, and where vulnerable individuals were concerned, they might make use of a 'supervised spend' arrangement.

### **Timescales for processing Crisis Grants (Q9)**

6.22 The 2015 Act (Section 4.3) sets out a requirement for local authorities to make decisions on CG applications no later than the next working day. The draft statutory guidance provides further details, including that:

- Local authorities must consider a case and make a decision immediately they receive all the information they need to make the decision
- A working day is from 9am to 4.45pm. If an application is received after 4.45pm, it should be treated as being received on the next working day
- Even if the local authority is still waiting for a piece of information that they think is relevant to the decision, a decision must be made by close of business on the day after the application has been received. This means that a decision is made at the end of the day after the application is received, on the balance of probability, based on the information held at the time.

6.23 Respondents were asked in Question 9 if they agreed with the draft statutory guidance on timescales. Altogether, 53 respondents replied to this question. Table 6.2 below shows that nearly three-quarters (72%) agreed, and 28% disagreed.

**Table 6.2: Do you agree with the draft statutory guidance on timescales for processing CGs?**

	Yes		No		Total	
Local government	8	47%	9	53%	17	100%
Third sector / equality organisations	16	94%	1	6%	17	100%
Housing organisations	6	86%	1	14%	7	100%
Other organisational respondents	2	50%	2	50%	4	100%
Individuals	6	75%	2	25%	8	100%
<b>Total</b>	<b>38</b>	<b>72%</b>	<b>15</b>	<b>28%</b>	<b>53</b>	<b>100%</b>

- 6.24 Local authorities and ‘Other’ organisational respondents were divided in their views on this question. Third sector, housing organisations and individual respondents generally agreed with the draft statutory guidance. One of the respondents to the Easy Read consultation answered this question and expressed satisfaction with the proposed timescales.
- 6.25 Respondents appeared to have different understandings about the statements made in the draft regulations and statutory guidance on timescales. Some thought the intention was that applications would only be considered once all necessary information had been received (i.e. after the application was completed) – at which point, local authorities must make a decision by no later than the following working day. However, others thought that the clock began ticking as soon the application had been received (i.e. even if it was incomplete). Some respondents called for clarification of this matter.

### ***Agreement with the proposed timescales***

- 6.26 Those who agreed with the draft statutory guidance on timescales emphasised the importance of avoiding delays when making decisions for people who were faced with a crisis or emergency. Some in this group specifically expressed satisfaction with the new shorter timescale, as compared with the 48-hour timescale set out in the interim guidance. The local authorities in this group often stated that the proposed new timescales were line with their own current processing timescales.
- 6.27 However, some respondents in this group appeared to anticipate the issues highlighted by those who *disagreed* with the draft statutory guidance on timescales (discussed below). While these respondents supported the principle of quick decision making, they also thought that local authorities should have the discretion to extend the timescales to allow applicants sufficient time to provide missing information or to get help in completing their application. This may be particularly important for applicants who need help from an advocate, support worker or carer (e.g. because of a disability, learning disability or cognitive impairment).

## ***Disagreement with the proposals***

- 6.28 Those who disagreed with the draft statutory guidance on timescales also generally supported the principle of quick decision making, and some specifically stated that it was reasonable for local authorities to make a decision on an application within 24 hours after all information was received. However, the main point made by this group was that local authorities should not be expected to make decisions before they have all the information they need to do so. Moreover, given the high volume of applications, the complexity of the decisions that are required, and the small staff teams in some local authorities, the proposed timescales were seen to be unrealistic.
- 6.29 Respondents in this group believed that the proposed timescales would likely result in a greater number of applications being declined, or applicants not being awarded the amounts requested, due to insufficient information. The knock on effect would be an increase in the number of reviews requested. Moreover, given the draft regulations regarding repeat applications, applicants would be unable to reapply for a CG within 28 days unless their second application was different in nature from the first. Ultimately, this would result in increased administration, decreased efficiency in processing applications and decreased applicant satisfaction.

*“If an award had to be made no later than the day after a claim has been made, sometimes without all supporting evidence, it is possible that the default position for local authorities will be to not make an award because they cannot substantiate the reason for the claim. This could lead to rework or increased review requests once the evidence is available.” (Local authority)*

- 6.30 Some respondents pointed out that the draft statutory guidance was not consistent with the interim guidance issued in April 2015, which stated that local authorities have two working days to assess CG applications and 15 working days to assess CCG applications. The respondent quoted above also noted that in February 2015, a consultation document was circulated among the SWF practitioners group which proposed a timescale for processing CGs as follows: ‘on the same working day if a completed application is received before midday or midday the following working day if it is received after midday’. This timescale was thought to be more realistic.
- 6.31 Related to this point, some respondents queried the use of the word ‘immediately’ in the draft regulations, and suggested that the wording should be changed to say that local authorities must make a decision ‘as soon as reasonably possible’ after all information needed to make the decision has been received.
- 6.32 The other main issue raised by this group concerned the times specified for a working day. Respondents thought the working day should be considered to



be 9am – 4pm (not 4.45pm), with applications received after 4pm considered as being received the next day. The point was made that it may not be possible for a decision to be reached the same day if a completed application was submitted, for example, at 4.20pm. Some respondents also commented that Friday is a short day for some local authorities.

### ***Other issues and suggestions***

6.33 Other issues raised by respondents, irrespective of whether they agreed or disagreed with the proposed timescales were in relation to:

- Insufficient staff resources: Some suggested that administration of CGs in some local authorities was under-resourced for the demand. Third sector organisations reported difficulties in contacting SWF staff, and local authorities reported substantial increases in the number of applications, unpredictability in the number of applications, and a lack of capacity in staffing particularly during periods of annual leave or sick leave.
- Out-of-hours service: Respondents often highlighted the problems that can arise for people who have no access to crisis funds at weekends (and holiday weekends), and there were some calls for the provision of an out-of-hours service.

6.34 Respondents made a range of other suggestions, including:

- The impact of the new timescales should be monitored.
- Information about the new timescales should be widely publicised to applicants so they know what to expect when applying to the Fund.
- There should be a way to challenge local authorities if they are not meeting target processing times, both for CGs and CCGs.
- Consideration should be given to the implications for local authority computing systems of being expected to record timescales accurately.

## 7 EXCLUSIONS FROM CRISIS AND COMMUNITY CARE GRANTS

- 7.1 The draft regulations state that a person should not be awarded a CCG or a CG for a range of excluded needs, and these are set out in Annex A of the draft statutory guidance. There are 19 separate 'excluded needs' listed in Annex A. In most cases, alternative sources of assistance are identified.
- 7.2 The exclusions are wide ranging, and cover specific items (e.g. a television or radio, school uniform, dental treatment, medication) as well as more general categories of items (e.g. holidays, funeral costs, work-related expenses). The consultation asked four questions (Questions 10-13) about the list of excluded items.

### Specific additions to the list of exclusions (Q10 and Q11)

- 7.3 The first two of these questions (Questions 10-11) asked if respondents agreed that two specific items should be added to the list of exclusions.

**Question 10:** Do you agree that substantial improvements to private property should be added to the list of excluded items at Annex A of the draft statutory guidance? (Yes / No)  
If not, please explain why.

**Question 11:** Do you agree that repatriation costs should be added to the list of excluded items at Annex A of the draft statutory guidance? (Yes / No)  
If not, please explain why.

- 7.4 Tables 7.1 and 7.2 below show that in both cases, a substantial majority of respondents (71% in the case of substantial improvements to private property and 79% in the case of repatriation costs) favoured adding these items to the list of exclusions. For both items, local authorities and housing organisations were more likely to favour adding them to the list of exclusions. By contrast, third sector organisations and 'Other' organisational respondents were less likely to favour adding these items to the list of exclusions in both cases. In the case of substantial improvements to private property, less than one-third of third sector organisations thought that this should be an excluded item.

**Table 7.1: Do you agree that substantial improvements to private property should be added to the list of excluded items of the draft statutory guidance?**

	Yes		No		Total	
Local government	17	94%	1	6%	18	100%
Third sector / equality organisations	4	31%	9	69%	13	100%
Housing organisations	7	88%	1	13%	8	100%
Other organisational respondents	1	25%	3	75%	4	100%
Individuals	7	88%	1	13%	8	100%
<b>Total</b>	<b>36</b>	<b>71%</b>	<b>15</b>	<b>29%</b>	<b>51</b>	<b>100%</b>

**Table 7.2: Do you agree that repatriation costs should be added to the list of excluded items of the draft statutory guidance?**

	Yes		No		Total	
Local government	16	89%	2	11%	18	100%
Third sector / equality organisations	6	67%	3	33%	9	100%
Housing organisations	8	100%	–	0%	8	100%
Other organisational respondents	1	25%	3	75%	4	100%
Individuals	6	75%	2	25%	8	100%
<b>Total</b>	<b>37</b>	<b>79%</b>	<b>10</b>	<b>21%</b>	<b>47</b>	<b>100%</b>

7.5 Altogether 29 respondents (28 organisations and 1 individual) commented at Question 10, and 22 respondents (20 organisations and 2 individuals) made comments at Question 11. In both cases, about half of those who provided comments had ticked the ‘yes’ option in the first part of the question.

### ***Definitional Issues***

7.6 In a small number of cases, the respondents’ comments appeared to contradict their answer to the ‘yes / no’ question. It may be that the complexity of the question (asking whether respondents agreed with adding an item to a list of excluded items) was a cause of confusion for a few respondents.

7.7 As far as Question 10 was concerned, respondents sometimes asked, ‘what is the definition of a substantial improvement?’ Moreover, it was clear from their answers that some respondents had (mistakenly) assumed that the ‘private property’ referred to in the question referred to owner occupiers only; the consultation paper explained that private rented properties were also included in this category.

### ***Arguments in favour of exclusion***

7.8 The main argument made in favour of adding both ‘substantial improvements to private property’ and ‘repatriation costs’ to the list of exclusions was that the SWF was not an appropriate vehicle for funding these items. In both cases, respondents identified sources of funding which they thought were both available and appropriate.

7.9 In the case of improvements to homes in the private rented sector, respondents said that this was the responsibility of landlords. In the case of owner occupied homes it was suggested that improvement grants might be available; alternatively re-mortgaging might be a possibility.<sup>2</sup> Respondents identified specific organisations (Care and Repair, Shelter Scotland) and schemes (local authority ‘Scheme of Assistance’ and ‘Help to Adapt’) that

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<sup>2</sup> Note there was also a query about whether the availability of re-mortgaging or home improvement loans might be curtailed as a result of the proposed changes by the UK Government.

were able to provide support in these cases. In the case of repatriation costs, respondents thought that these costs should be paid by embassies, consulates, the Home Office or the government more generally.

- 7.10 It was thought that if repatriation costs were not added to the list of exclusions, the costs for local authorities could become very expensive as larger and larger numbers applied to the Fund. The administration costs for local authorities would also increase.

### ***Arguments against exclusion***

- 7.11 Three main arguments were made for why adding (either of) these items to the list of exclusions was not appropriate.
- 7.12 First, respondents affirmed the importance of preserving the discretion of local authorities. It was thought that although awards for these items would only be made on rare occasions, the local authority should be free to make awards in 'exceptional circumstances'. This point was often linked to a recognition that the SWF was not an ideal – or even a good – vehicle for paying for these items; other sources of funding existed and were probably more appropriate. However, blanket exclusions were thought to be undesirable, and sometimes applicants had no alternative but to apply to the SWF.
- 7.13 Second, respondents highlighted the potential consequences for applicants of removing the possibility of obtaining a grant from SWF for these items. These could include (in both cases): removing the chance for an applicant to have a 'settled home', increasing the possibility that an applicant would become homeless and, more generally, increasing the chance of an emergency / crisis situation developing. In addition, in relation to Question 10, respondents also identified consequences related to the applicant's health and wellbeing (linked to the harmful effects of living in a damp property), and in putting greater demand on the (already pressurised) social rented sector. One of the respondents to the Easy Read consultation thought that if a household had young children, it would be appropriate to award a CCG to install central heating in the property.
- 7.14 Third, respondents argued that retaining the possibility of an application to the Fund for these items could represent value for money. This might be because – in the case of Question 10 – expenditure on a (small) repair now could save money in the longer term, or because – in the case of Question 11 – it might reduce pressure on other local authority services.
- 7.15 A fourth argument was brought forward in relation to Question 10 only. This was that adapting properties for use by disabled people (including those with learning disabilities) represented an important long term investment in the housing stock. Respondents thought this possibility should be retained for cases where no other source of funding was available.

- 7.16 There was a suggestion that a ‘clawback’ system could be put in place for cases where any investment in a private property resulted in an increased value to a property which was subsequently sold on.

### Changes to the current list of excluded items (Q12 and Q13)

- 7.17 The second two questions in this section (Questions 12-13) asked whether respondents would wish any changes to be made to the current list of excluded items.

**Question 12:** Do you think there should be any other items added to the list of excluded items in Annex A of the draft statutory guidance? (Yes / No)  
If yes, please tell us which items and explain why.

**Question 13:** Do you think there should be any items taken off the list of excluded items in Annex A of the draft statutory guidance? (Yes / No)  
If yes, please tell us which items and explain why.

- 7.18 Tables 7.3 and 7.4 below show that a small proportion of respondents wished to see changes (17% for additions and 29% for deletions) to the current list of excluded items. Those wishing to include additional items were almost exclusively local authorities; no third sector, housing organisations or ‘Other’ organisational respondents suggested items to be added. As far as removals were concerned, third sector and ‘Other’ organisational respondents were more likely to think that some items should be removed from the current list (46% and 75% respectively) compared with local authorities and housing organisations (22% and 0% respectively).

**Table 7.3: Do you think there should be any other items added to the list of excluded items in Annex A of the draft statutory guidance?**

	Yes		No		Total	
Local government	7	41%	10	59%	17	100%
Third sector / equality organisations	–	0%	12	100%	12	100%
Housing organisations	–	0%	7	100%	7	100%
Other organisational respondents	–	0%	4	100%	4	100%
Individuals	1	13%	7	88%	8	100%
<b>Total</b>	<b>8</b>	<b>17%</b>	<b>40</b>	<b>83%</b>	<b>48</b>	<b>100%</b>

**Table 7.4: Do you think there should be any items taken off the list of excluded items in Annex A of the draft statutory guidance?**

	Yes		No		Total	
Local government	4	22%	14	78%	18	100%
Third sector / equality organisations	6	46%	7	54%	13	100%
Housing organisations	–	0%	8	100%	8	100%
Other organisational respondents	3	75%	1	25%	4	100%
Individuals	2	25%	6	75%	8	100%
<b>Total</b>	<b>15</b>	<b>29%</b>	<b>36</b>	<b>71%</b>	<b>51</b>	<b>100%</b>

7.19 Nine respondents (8 organisations and 1 individual) provided comments at Question 12. Nineteen respondents (17 organisations and 2 individuals) provided comments at Question 13.

***Suggestions for items to be added to the current list of exclusions***

7.20 Eight suggestions were made for items to be added to the current list of exclusions. One of the suggestions related to an eligibility requirement, i.e. that illegal immigrants from EU or member states should not be eligible to apply to the Fund. The other suggestions were: costs related to family members not resident in the UK; repair costs to items provided by the NHS; gardening tools; decorating costs; house cleans; charges in relation to being made bankrupt; and service charges linked to rent payments. One respondent to the Easy Read consultation suggested that 'any luxury' should be on the list of exclusions.

7.21 There were no reasons provided for these additions beyond general statements that they were non-essential or not appropriate for the SWF.

***Suggestions for items to be removed from the current list of exclusions***

7.22 It was suggested, usually by fewer than five respondents, that the following items should be removed from the current list of exclusions:

- Educational or training needs
- (Travelling expenses) in connection with court proceedings
- Removal or storage charges
- Television or radio
- Debts
- Domestic assistance and respite care
- Work related expenses (including work related travel costs)
- Travelling expenses
- Maternity expenses covered by Sure Start Grant
- Funeral expenses
- Expenses for people who have no recourse to public funds.

7.23 The reasons offered for removing these were mainly that respondents felt there might not be any alternative sources of support for these items, and that they were important in ameliorating difficult situations.

## 8 VULNERABILITIES (Q14 AND Q15)

- 8.1 As set out in Section 5.11 of the draft statutory guidance, the assessment process for an application to the SWF should take into account the vulnerability of the applicant and the likely consequences of refusal. Annex C of the draft statutory guidance lists some examples of vulnerabilities which would give applications a higher priority. (Examples include: frailty or old age; learning difficulties; being a lone parent; being an ex-offender; children living with a disabled adult; etc.). The draft statutory guidance explains that the list at Annex C is illustrative rather than exhaustive, should not be applied rigidly, and can – in relation to a specific application – change over time.
- 8.2 Questions 14-15 of the consultation asked whether the list of vulnerabilities provided at Annex C should be changed (either to add to or remove things from the list).

**Question 14:** Is there anything on the list of vulnerabilities at Annex C of the draft statutory guidance that you don't think should be there? (Yes / No)  
If yes, please tell us what and explain why.

**Question 15:** Is there anything that you think should be added to the list of vulnerabilities at Annex C of the draft statutory guidance? (Yes / No)  
If yes, please tell us what situation, condition or circumstance should be added to the list of vulnerabilities and why.

- 8.3 Tables 8.1 below shows that just under one-third of respondents (28%) thought that one or more vulnerabilities listed at Annex C should be removed, while Table 8.2 shows that just over one-third of respondents (38%) thought that one or more vulnerabilities should be added to the list. Local authorities were more likely than all other groups to think that one or more vulnerabilities should be removed. In addition, both local authorities and third sector organisations were more likely than other groups to think that one or more vulnerabilities should be added to the list.

**Table 8.1: Is there anything on the list of vulnerabilities at Annex C of the draft statutory guidance that you don't think should be there?**

	Yes		No		Total	
Local government	7	41%	10	59%	17	100%
Third sector / equality organisations	3	21%	11	79%	14	100%
Housing organisations	1	14%	6	86%	7	100%
Other organisational respondents	1	25%	3	75%	4	100%
Individuals	2	25%	6	75%	8	100%
<b>Total</b>	<b>14</b>	<b>28%</b>	<b>36</b>	<b>72%</b>	<b>50</b>	<b>100%</b>

**Table 8.2: Is there anything that you think should be added to the list of vulnerabilities at Annex C of the draft statutory guidance?**

	Yes		No		Total	
Local government	8	44%	10	56%	18	100%
Third sector / equality organisations	7	54%	6	46%	13	100%
Housing organisations	2	29%	5	71%	7	100%
Other organisational respondents	1	25%	3	75%	4	100%
Individuals	1	13%	7	88%	8	100%
<b>Total</b>	<b>19</b>	<b>38%</b>	<b>31</b>	<b>62%</b>	<b>50</b>	<b>100%</b>

8.4 Altogether 19 respondents (16 organisations and 3 individuals) provided a comment at Question 14 and 24 respondents (23 organisations and 1 individual) provided a comment at Question 15. Most of those who commented had answered 'yes' to the tick-box part of these questions.

### Issues requiring clarification

8.5 Respondents raised a number of issues for clarification as follows:

- More guidance was required on the appeals process (especially in relation to appeals for those with vulnerabilities)
- The statutory guidance needed to be clear that just because an applicant belongs to one of the groups listed at Annex C it does not automatically mean that they would be classified as 'vulnerable'.
- 'Homelessness or repeated homelessness' should include the threat of homelessness.

### Suggestions on wording

8.6 There were suggestions for changes to the wording as follows:

- 'Mental health impairments' to be reworded as 'mental health issues'
- 'People fleeing domestic violence' to be reworded as 'people fleeing domestic abuse' or 'people fleeing violence / harassment'
- 'Frailty or old age, particularly restricted mobility or difficulty performing personal care tasks' to be reworded as 'frailty or old age'
- 'Having responsibility as a main care giver' to be reworded as 'having responsibility as an unpaid carer'

### Removals from the list of vulnerabilities at Annex C

8.7 Two items on the list at Annex C attracted multiple suggestions for removal. These were: 'a history of seasonal temporary or insecure work' and 'setting up an independent home for the first time'. The reason given was the same for



both: namely, that these factors do not in themselves make applicants vulnerable. Indeed, respondents argued that both of these scenarios represented (potentially) positive situations. It would be for the local authority to judge whether these applicants were vulnerable on the basis of other factors.

- 8.8 Four other items on the list were suggested for removal, less often. These were: 'children with parents under 25'; 'leaving the armed forces'; 'repeated failed tenancies'; and 'ex-offenders'. Again, these factors were not seen in and of themselves as necessarily making an applicant vulnerable; the applicant's vulnerability would have to be assessed in relation to other criteria.

### **Additions to the list of vulnerabilities at Annex C**

- 8.9 The main additional categories which respondents highlighted for inclusion on the list of vulnerabilities were: young people experiencing a range of difficulties relating to their previous or current care; people affected by the recent death of a close relative; recent relationship breakdown; and victims / survivors of a traumatic event or abuse.
- 8.10 Other additions, each mentioned by one respondent only were: people with poor literacy and / or numeracy skills; people earning less than the average wage; people returning to employment; a family facing exceptional pressure<sup>3</sup>; a family with a child on the Child Protection register; fleeing non-domestic violence (e.g. a neighbour); families with children who are looked after at home; young school leavers (aged 16-18); young carers; and households with babies and young children.
- 8.11 The rationale for including these groups was that these circumstances would increase the vulnerability of the individual and mean that they were more likely to face adverse outcomes.

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<sup>3</sup> Note that 'being a family who has been judged to be facing exceptional pressure for a CCG' is already included in Annex C

## 9 EQUALITIES IMPACTS (Q16)

- 9.1 An Equality Impact Assessment (EQIA) was carried out prior to the introduction of the 2015 Act, and the Scottish Government intends that this will be updated as the draft regulations and statutory guidance are finalised. Thus, the consultation asked respondents for their views about what impacts the draft regulations and statutory guidance could have on vulnerable groups.

**Question 16:** What equalities impacts have you identified from the draft regulations and guidance at Annexes B and C to the consultation paper?

- 9.2 Thirty-six (36) respondents (32 organisations and 4 individuals) commented at Question 16. Some welcomed the efforts that had already been made to highlight and address equalities impacts through the previous EQIA. Specifically, respondents noted the changes made in the scheme to address impacts on people with disabilities and sensory impairments; and older people and their carers. However, around half the respondents (15) identified potential impacts from the draft regulations and statutory guidance on one or more specific groups with protected characteristics.
- 9.3 As part of this discussion, some respondents reiterated concerns they had raised earlier regarding the proposals: (a) to limit the number of CGs and CCGs to three per household per year (Questions 3 and 4), and (b) to prioritise families facing exceptional pressure (Question 6). These proposals were seen to discriminate, respectively, against women, and against single people or couples without children, including those who may have vulnerabilities or protected characteristics.
- 9.4 Respondents identified potentially adverse impacts for the following groups:
- **Single people / couples without children:** As discussed in Chapter 4, respondents thought the proposed prioritisation of families was discriminatory. While there was a view that the proposal to limit CG and CCG applications to three per household per year helped somewhat in addressing this inequality, the more common view was that single people were not being treated fairly in the draft statutory guidance. Respondents also pointed out an apparent contradiction between the draft regulations (section 6, paragraphs 4a-4e), which refers to provisions for 'individuals', and other statements in draft statutory guidance which suggest that families should be given particular regard.
  - **Disability:** It was thought that the proposal to limit CG and CCG awards to three per household per year could disadvantage people with disabilities, as people with disabilities were more likely to live in households with other adults. People with learning disabilities, mental health issues or problems with addiction also have particular difficulties in managing their finances and so might have need of crisis funding on more than three occasions in a

year. There was a call for Annex B of the draft statutory guidance to include a statement that income from Disability Living Allowance or Personal Independence Payments, along with payments for self-directed support and direct payments should be disregarded for the purposes of assessing low income.

- **Women (including disabled women and migrant women):** Again, as discussed in Chapter 4, respondents thought the proposal to limit awards to three per household would particularly disadvantage women. Migrant women were seen to be at particularly high risk of experiencing domestic violence, homelessness and destitution.
- **Older people and their carers:** The need to promote the SWF to older people and their carers (identified in the first EQIA) was highlighted. There was a suggestion that the scheme could be made more accessible to carers by including carers' benefits among the indicators of low income; and permitting awards to be used for the specific needs that carers have (such as equipment to support their caring role).
- **Black and minority ethnic groups:** This includes refugees, migrants (those with indefinite leave to remain), and gypsy travellers. There was concern that some local authorities appeared to be rejecting applications that did not include a national insurance number. This was seen to discriminate against a range of individuals who were permitted to live in the UK, but had not yet received a national insurance number. It was also thought that regulation 4 (on residence) would discriminate against these same groups, and it was suggested that these groups should be added to the list of exemptions at 4(2)(b).

9.5 Finally, it was noted that the EQIA does not currently address sexual orientation and gender identity, and it was suggested that further consultation is undertaken with LGBT organisations. There was also a suggestion that experience of being in care (or looked after) should be equated with other protected equalities characteristics in the regulations and statutory guidance.

### General comments

9.6 Other respondents made more general comments at Question 16. These discussed the importance of:

- Investigating the reasons for low take up of SWF grants among certain groups, and the reasons that certain groups (i.e. women) are over-represented in awards
- Improving access to SWF funding, information about the Fund and the means to apply (for example, by addressing language barriers, literacy, sight or hearing impairment, and the communication needs of people with disabilities and learning disabilities)
- Improving equalities monitoring – specifically, the recording of protected characteristics and vulnerabilities in relation to applications and decisions.

## 10 VIEWS ON THE DRAFT REGULATIONS AND GUIDANCE

- 10.1 A copy of the draft regulations (The Welfare Funds (Scotland) Regulations 2015) was attached to the consultation document as Annex B, and the consultation document itself included a summary of each of the 17 sections of the regulations. The draft statutory guidance was attached to the consultation document as Annex C. The consultation posed three questions about this material:

**Question 17:** Do you think that the draft regulations at Annex B to this consultation paper will have the effects that we have listed here? (Yes / No)

**Question 18:** If you do not think that they will have these effects, please tell us about any gaps in the regulations or unintended consequences you would expect from these regulations.

**Question 19:** Please tell us about any concerns, comments or suggestions you have on the draft statutory guidance at Annex C to this consultation paper, that are not already covered by the questions in Section One of the consultation paper.

### Views on the draft regulations (Q17 and Q18)

- 10.2 Table 10.1 below shows that three-quarters (74%) of respondents said ‘yes’ to Question 17, and a quarter said ‘no’. Local authorities, housing organisations, and individual respondents were more likely to reply ‘yes’, while third sector and ‘Other’ organisational respondents were more divided in their views.

**Table 10.1: Do you think that the draft regulations at Annex B to this consultation paper will have the effects that we have listed here?**

	Yes		No		Total	
Local government	14	82%	3	18%	17	100%
Third sector / equality organisations	5	50%	5	50%	10	100%
Housing organisations	7	100%	–	0%	7	100%
Other organisational respondents	2	40%	3	60%	5	100%
Individuals	6	86%	1	14%	7	100%
<b>Total</b>	<b>34</b>	<b>74%</b>	<b>12</b>	<b>26%</b>	<b>46</b>	<b>100%</b>

- 10.3 Altogether, 25 respondents (24 organisations and 1 individual) made comments at Question 18. There was a view that:

*“[T]hese regulations have acknowledged and tried to address the complexities of delivering what is, in effect a limited resource ‘catch-all’ safety net, at a time of increased withdrawal of central government welfare support.” (‘Other’ organisational respondent)*

- 10.4 Respondents welcomed the flexibility provided by the draft regulations (for example, to be able to consider more than three applications per year in exceptional circumstances). However, there was also a view that significant

changes would be required in the current arrangements if the proposals set out in the consultation paper were to be taken forward, and irrespective of whether respondents ticked 'yes' or 'no' at Question 17, they often used Question 18 to suggest improvements, request clarification, or express concern about particular parts of the draft regulations.

10.5 Comments were sometimes very detailed and specific, with respondents requesting changes in wording or emphasis for one or more draft regulations, or suggesting additional regulations. There were also more general comments in relation to:

- **Families under exceptional pressure:** Respondents made a range of comments about regulation 9, and reiterated points previously made in response to Question 6. These are not repeated here. Additional points included: concern that a focus on families was not included in the 2015 Act itself; and a view that the use of the term 'family' in the draft regulations was unhelpful and misleading. There was also a request for clarity about the issue of 'prioritisation' of families, since regulation 9 referred only to 'individuals' and 'households' and the nature of the required prioritisation was unclear for CGs.
- **Access to the Fund:** In relation to regulation 7, there was concern that local authorities had complete discretion about how accessible (or not) their scheme was. Respondents wanted the draft regulations to be strengthened to specify a range of ways that applications to the Fund should be able to be made. One local authority respondent noted the success of their telephone application system and suggested the regulations should include provision for telephone applications. This was echoed by another respondent who thought the lack of a free phone number was barrier to some people in making applications.
- **Reviews:** Comments about regulation 15 all made the same point: there was a call for clarity about the requirement for applications for review to be made in writing and (apart from in exceptional circumstances) signed by the applicant. Respondents suggested this requirement contradicted the terms of the legislation which allowed local authorities to take applications for review orally, and with the draft statutory guidance (paragraphs 4.10-4.13) which emphasised the importance of accessibility. Respondents argued that some respondents would find it difficult to submit applications for review in writing, and this could hinder some people from requesting reviews.
- **Eligibility:** Respondents wanted the regulations to be strengthened to emphasise that being in receipt of means-tested benefits is *not* a prerequisite for applying to the Fund. It was suggested that the reference to means-tested benefits should be removed from the draft regulations for the sake of clarity. Furthermore, any reference to benefits within the draft regulations should relate not only to those 'in receipt of' benefits, but also

those who are 'entitled to' certain benefits. There was also (as previously mentioned) a call for Disability Living Allowance, Attendance Allowance and the Personal Independence Payment to be disregarded as income.

- **Form of payment:** In relation to regulation 11, respondents wanted the draft regulations (and statutory guidance, sections 4.39, 7.6 and 7.26) to be amended to allow local authorities to have discretion to make awards in a variety of ways depending on, among other things, the views and preferences of the applicant and best value.
- **Notification of decisions:** In relation to regulation 14(1), respondents appreciated the need for the decision on an application to be communicated in writing for the sake of transparency. However, concern was voiced about the length of time it can take for some local authorities to notify applicants in writing about the outcome of their application. It was suggested that applicants should be able to request the decision to also be communicated to them in person or by telephone.

### ***Other general comments***

10.6 Other more general comments made, less often, were in relation to:

- The significant number of functions of the SWF set out in draft statutory guidance, rather than the 2015 Act or the draft regulations: There was concern that this leaves open the possibility that future governments could change the statutory guidance in ways that would be less open to scrutiny than if functions were specified in legislation.
- The relationship between UK and Scottish-funded benefits: Their view was expressed that benefit sanctions by the DWP will continue to increase as long as the SWF provides an adequate safety net, 'thus creating savings for Westminster at the cost of Holyrood'.
- The importance of monitoring and publishing trends in the demand on the SWF.

### **Concerns, comments or suggestions about the draft statutory guidance (Q19)**

10.7 Comments made in response to Question 19 were often very detailed and specific and many reiterated points discussed earlier. However, additional general comments about the draft statutory guidance highlighted the following:

- The importance of recognising the preventative nature of the Fund within the statutory guidance and regulations, and encouraging a more holistic approach to providing support and linking applicants with other sources of help
- At the same time, it was noted that not all applicants are willing to engage with other services when signposted to them, and this is not always

discovered until a repeat application is submitted; it was suggested that the statutory guidance could provide for tighter restrictions on the ability to access repeat grants if an applicant refuses to engage with other supports

- The need to clarify what information can be shared between council departments for the benefit of claimants (for example, to speed up the award of grants by obtaining information directly from other areas within the council)
- The need for ongoing training for staff involved in the administration of the Fund to develop skills in assessing need, treating people with dignity, and in using their judgement / discretion, rather than adhering rigidly to a script; it was suggested this training should include direct contact with SWF users.

10.8 Further guidance and / or clarification was specifically requested in the draft guidance in relation to asylum seekers (e.g. 'genuine prospect of work', 'recourse to public funds', 'habitual residence test' and 'indefinite right to remain').

10.9 Concerns were expressed about:

- The proposal to reduce the frequency of reporting on the performance of the Fund, particularly in light of the continued underspends in some council areas, and the very high levels of demand in other areas which result in local funds being exhausted. Ongoing monitoring was thought to be crucial. There were also calls for improved promotion of the SWF, and a suggestion that there should be a way of redistributing underspends to areas where it is needed.
- Timescales for processing CGs. While there was a recognition of the importance of quick decision making, there was also concern that these arrangements could have unintended consequences for some, and that the requirement to provide a lot of information would be difficult for many people in a crisis.

10.10 There were questions about:

- The basis for the decision to transfer second tier reviews to the SPSO: This was seen to be inconsistent with existing complaints procedures where two reviews are held within councils before a complaint is referred to the SPSO. Moreover, it was thought that feedback from a previous consultation did not support this. There was a concern that the proposed new arrangement could increase overall administration costs for the Fund.
- What would happen if the Fund became exhausted between the date of application and the date of a decision or a review decision.
- How long a particular vulnerability (ref. Annex C of the draft statutory guidance) should be taken into account in relation to repeat applications.

## 11 COMMENTS ON THE APPLICATION FORM

- 11.1 During the passage of the Welfare Funds (Scotland) Act 2015 through Parliament, comments were made about the structure, length, and content of the (interim) application form. The final three questions of the consultation (Questions 20-22) asked about the application form for the permanent SWF.
- 11.2 The interim SWF has a single application form for both grants (CG and CCG), and respondents were asked whether this should continue to be the case. Respondents were also asked whether they had suggestions for rationalising and / or improving the application form in preparation for the introduction of the permanent SWF.

**Question 20:** Should the application form for the permanent SWF be a combined CG and CCG application form or two separate application forms?

Please explain your answer.

**Question 21:** What information is collected on the application form for the interim SWF that you do not think is needed to assess the application?

**Question 22:** How can the application form for the interim SWF be improved for the permanent SWF?

### A combined CG and CCG application form or two separate application forms? (Q20)

- 11.3 Table 11.1 below shows that 59% of respondents favoured a combined CG and CCG application form whereas 41% favoured separate forms. Local authorities were more likely than other groups to favour a combined. By contrast, housing organisations were the least likely to favour a combined form.

**Table 11.1: Should the application form for the permanent SWF be a combined CG and CCG form or two separate forms?**

	A combined CG and CCG application form		2 separate application forms		Total	
Local government	13	72%	5	28%	18	100%
Third sector / equality organisations	7	54%	6	46%	13	100%
Housing organisations	2	29%	5	71%	7	100%
Other organisational respondents	3	60%	2	40%	5	100%
Individuals	5	63%	3	38%	8	100%
<b>Total</b>	<b>30</b>	<b>59%</b>	<b>21</b>	<b>41%</b>	<b>51</b>	<b>100%</b>

- 11.4 Altogether 53 respondents (46 organisations and 7 individuals) made comments at Question 20. A small proportion of these comments were



suggestions for improving the application form and have been addressed in the analysis of Question 22 below.

### ***Arguments in favour of a combined CG and CCG application form***

- 11.5 There were four main arguments made in favour of a combined form. The first two of these were often linked, with respondents presenting both elements as part of a single rationale. Moreover, the arguments were often articulated as arguments against separate forms (rather than as positive arguments in favour of a combined form).
- 11.6 The first argument related to the perspective of a person applying for a grant. The point was made repeatedly that applicants often did not understand the differences between the two grants and would therefore not know which application form to complete if there were two separate forms. From the perspective of the applicant, a combined form removed any confusion, and removed the possibility of time delays which would result if an incorrect form was submitted. Moreover, in a substantial number of cases, an individual applicant applies simultaneously for both a CG and a CCG. Thus, having a combined form in these cases was preferable.
- 11.7 The second argument related to the perspective of the staff who were involved in providing advice about, and administering, the Fund. It was thought that a combined form made for a better process because: i) it made the advice to applicants simpler as there was only one form to explain; ii) it reduced the administrative burden by minimising repetition, streamlining the administrative process, and reducing the numbers of applications which were received; and iii) it gave staff discretion to decide which type of grant was the most appropriate.
- 11.8 The third argument highlighted the large degree of overlap that exists in the information required to make a decision about an application for a CG and a CCG.
- 11.9 Finally, it was argued that having complete information in each case allowed a more holistic assessment of the applicant's needs to be made. This meant that advice, support, and referral to other agencies could be provided in a more appropriate fashion.

### ***Arguments in favour of separate application forms***

- 11.10 There were two main arguments made in favour of separate application forms. These were the obverse of the arguments set out above.
- 11.11 Respondents who favoured this approach thought it provided a simpler and more straightforward application process both for applicants and for decision makers. These respondents thought separate application forms would reduce mistakes, minimise confusion, improve the ease with which the application

process could be audited, provide more clarity, and make the process quicker by allowing the local authority to identify urgent applications. These respondents often referred to the length of the application form (28 pages), which was thought to be a barrier to applying for some people; respondents particularly highlighted the difficulties for some people of providing so much information (e.g. those with learning disabilities, those with mental health problems, the blind and partially sighted, and those without access to credit for a long telephone call).

- 11.12 The other main reason that respondents gave for preferring separate forms was that the criteria and eligibility requirements for CGs were different to those for CCGs. This meant that the assessment process was distinctive for the two types of grant and applicants for each type of grant should be separately assessed. These respondents thought that separate forms would help improve applicants' understanding of the two schemes.
- 11.13 The point was also made that if a combined form is used, there is a risk the level of support offered in relation to each grant may be reduced because the officer knows that the other is also being awarded; this might mean that insufficient funds were granted in both cases.

#### ***Wider issues in relation to the application process***

- 11.14 It was thought that it was better to complete the application process, especially for CGs, over the telephone (rather than on the paper form). Respondents said this would speed up the process of application and allow the applicant to be supported by a local authority member of staff; they thought applicants should be encouraged to get support of this kind, and that such support should be available for all applicants.
- 11.15 Online systems for CCGs were also reported to be widely used, and these were often preferred to paper based applications. There was a suggestion that online forms should be adapted for use on mobile phones, but also a concern that the application process should not discriminate against older people who were not comfortable with using the internet.
- 11.16 Respondents raised the issue of improving the IT systems which underpin the application process. It was suggested that more could be done to ensure that IT systems would 'auto-complete' or 'pre-populate' fields in cases where multiple applications were being made; this would reduce duplication and improve efficiency. Sometimes, IT systems 'crashed' in the course of an application. This was distressing and frustrating for both applicants and staff.

#### **Information on application form which is not required (Q21)**

- 11.17 Altogether, 28 respondents (25 organisations and 3 individuals) made comments at Question 21. Many of these comments suggested changes and

improvements to the form, and have been considered below in relation to the analysis of Question 22.

11.18 There were four main areas where respondents thought the information collected was not necessary for the assessment process. These were:

- Asking 'how much do you think it will cost?' (Section 3a) for each item requested when local authorities use approved contractors / retailers to supply items
- Asking the applicant to provide their bank details (p24) when this is not the usual method of paying grants
- Asking for national insurance numbers; respondents noted that having a national insurance number was not an eligibility requirement for SWF and asking for it might discourage applications, especially from refugees
- Asking for information about qualifying benefits, including information about next payment dates; it was thought this information could be checked by the local authority itself via the DWP.

11.19 Other items mentioned, less often, as ones which should be omitted or reconsidered were:

- The two questions on p14 about how much money has been lost or stolen
- The questions relating to the partner – only information about the applicant should be required
- The final question on p11 'what have you or your partner tried?' which it was thought would discourage applications
- Questions about emergency services and household insurance
- Information on the sources of support applicants have tried to access.

### **Suggested improvements to the application form (Question 22)**

11.20 Altogether 35 respondents (32 organisations and 3 individuals) made comments at this question. As indicated earlier, responses to Questions 20-21 also sometimes contained information relevant this question.

11.21 In many cases, the improvements suggested were highly specific, often suggested by one respondent only (e.g. 'include a central contact number', 'blank page for additional information should be towards the end, after 'other information'', etc.).

11.22 The two areas which were mentioned for improvement most often by respondents were: to improve the layout, signposting, structure and flow of the application form; and to redraft the preamble and description of eligibility criteria.

- 11.23 Regarding improvements to the form layout and structure, respondents thought it could be clearer which parts of the application form needed to be completed and which did not. This was linked to the issue of which parts of the form related to an application for a CG, which parts for a CCG, and which parts were common to both. The use of highlights, bold text, and instructions for navigating the form were all thought to be potentially useful in improving the layout. More generally, it was thought the 'flow' of the questions could be improved.
- 11.24 Regarding the preamble, respondents thought that the preamble did not accurately reflect the current situation regarding the eligibility for CGs in terms of qualifying benefits. It was thought that the preamble should be more positive in highlighting what grants can be used for (not just what they cannot be used for) and that the main message should be about the availability of funds for those on a low income with nowhere else to turn.
- 11.25 Other areas which were mentioned for improvement, less often, were:
- To add in some case studies and examples
  - To condense the questions on income (p8-10), especially as the local authority can collect this data from DWP
  - To improve the questions relating to applicants who are sanctioned
  - To add more detail in relation to prisoners, their intended release date, their prisoner number, and their address
  - To add specific questions on transport requirements.

## ANNEX 1: RESPONSE RATE FOR INDIVIDUAL CONSULTATION QUESTIONS

	Consultation question	Number of responses received	% of total 61 responses
Q1	Is it a problem that LAs use different ways to decide whether or not an SWF applicant is on a low income to check that they are eligible for an award (Yes / No)	49	80%
	Please explain your answer.	56	92%
Q2	What is the best way for a LA to decide that an SWF applicant is on a low income? Please tick one. (Option 1 / Option 2 / Option 3 / Other – please give details)	56	92%
	Other option details	15	25%
	Please tell us why you have chosen this option and explain the advantages and disadvantages?	54	89%
Q3	What do you think the consequences would be if we limited CG awards to three per household per year?	58	95%
Q4	What do you think the consequences would be if we limited CCG awards to three per household per year?	57	93%
Q5	Do you think that there should be a limit on the number of times that a CCG can be given for the same item in a set period? (Yes / No)	51	84%
	If so, what should the limits be? Please explain your answers.	48	79%
Q6	Do you agree that families facing exceptional pressure should be given priority in decisions on CG applications as well as CCGs? (Yes / No)	51	84%
	Please explain your answer.	52	85%
Q7	Which sorts of payments do you think are cash equivalents that LAs should be able to use to pay SWF grants? You can choose as many as you like. (Payment or alternative electronic transfer / Allpay (without restrictions) or other loaded store card / Fuel Cards / High street vouchers accepted at a number of outlets, e.g. for clothing / Travel tickets, bought on behalf of the applicant)	51	84%
	If there are other forms of payments that you think would be suitable cash equivalents for LAs to use, please tell us what they are.	39	64%
Q8	How can LAs make sure that the way they are making the award, i.e. in cash or by a cash equivalent, is the best one for the applicant?	56	92%
Q9	Do you agree with the draft statutory guidance on timescales for processing CGs? (Yes / No)	53	87%
	If not, please explain why.	38	62%
Q10	Do you agree that substantial improvements to private property should be added to the list of excluded items at Annex A of the draft statutory guidance? (Yes / No)	51	84%
	If not, please explain why.	29	48%
Q11	Do you agree that repatriation costs should be added to the list of excluded items at Annex A of the draft statutory guidance? (Yes / No)	47	77%
	If not, please explain why.	23	38%

<b>Consultation question</b>		<b>Number of responses received</b>	<b>% of total 61 responses</b>
Q12	Do you think there should be any other items added to the list of excluded items in Annex A of the draft statutory guidance? (Yes / No) If yes, please tell us which items and explain why.	48 11	79% 18%
Q13	Do you think that there should be any items taken off the list of excluded items in Annex A of the draft statutory guidance? (Yes / No) If yes, please tell us which items and explain why.	51 21	84% 34%
Q14	Is there anything on the list of vulnerabilities at Annex C of the draft statutory guidance that you don't think should be there? (Yes / No) If yes, please tell us what and explain why.	50 20	82% 33%
Q15	Is there anything that you think should be added to the list of vulnerabilities at Annex C of the draft statutory guidance? (Yes / No) If yes, please tell us what situation, condition or circumstance should be added to the list of vulnerabilities and explain why.	50 25	82% 41%
Q16	What equalities impacts have you identified from the draft regulations and guidance at Annexes B and C to the consultation paper?	36	59%
Q17	Do you think that the draft regulations at Annex B to this consultation paper will have the effects that we have listed here? (Yes / No)	46	75%
Q18	If you do not think that they will have these effects, please tell us about any gaps in the regulations or unintended consequences you would expect from these regulations.	25	41%
Q19	Please tell us about any concerns, comments or suggestions you have on the draft statutory guidance at Annex C to this consultation paper, that are not already covered by the questions in Section 1 of the consultation paper.	35	57%
Q20	Should the application form for the permanent SWF be: (A combined CG and CCG application form / Two separate application forms) Please explain your answer.	51 52	84% 85%
Q21	What information is collected on the application form for the interim SWF, at Annex D to this paper, that you do not think is needed to assess an application?	34	56%
Q22	How can the application form for the interim SWF, at Annex D to this consultation paper, be improved for the permanent SWF?	37	61%

**Questions only available to the 53 respondents who completed the questionnaire online**

<b>Consultation question</b>		<b>Number of responses received</b>	<b>% of total 53 responses</b>
Q23	Please help us improve our consultations by answering the questions below. How satisfied were you with this consultation? (Very satisfied / Slightly satisfied / Neither satisfied nor dissatisfied / Slightly dissatisfied / Very dissatisfied) Please enter additional comments here.	26 6	49% 11%

## ANNEX 2: LIST OF RESPONDENTS

### ***Third sector / equality organisations (21)***

- Age Scotland
- Alzheimer Scotland - Action on Dementia
- Child Poverty Action Group in Scotland
- Children in Scotland
- Citizens Advice Scotland
- ENABLE Scotland
- Engender
- EVOC on behalf of the Advice Agencies Forum (Edinburgh)
- Homeless Action Scotland
- Inclusion Scotland
- Midlothian Financial Inclusion Network (MARCH Project)
- Poverty Alliance
- RNIB Scotland
- Scottish Consortium for Learning Disability (SCLD)
- Scottish Council for Voluntary Organisations
- Scottish Independent Advocacy Alliance
- Scottish Refugee Council
- Scottish Women's Aid
- Shelter Scotland
- Who Cares? Scotland

### ***Local government organisations (18)***

- Angus Council
- Argyll & Bute
- City of Edinburgh Council
- COSLA
- East Dunbartonshire Council
- Falkirk Council
- Fife Council - Scottish Welfare Fund
- Glasgow City Council

- Highland Council
- Inverclyde Council
- Midlothian Council
- Moray Council
- North Ayrshire Council
- Perth and Kinross Council
- Renfrewshire Council
- South Lanarkshire Council
- Stirling Council
- West Lothian Council

### ***Housing associations or representative bodies (8)***

- Almond Housing Association
- Chartered Institute of Housing Scotland
- Grampian Housing Association
- Langstane Housing Association
- Maryhill Housing Association
- Pineview Housing Association
- Scottish Federation of Housing Associations
- Whiteinch & Scotstoun Housing Association

### ***Other organisational respondents (6)***

- Centre for Excellence for Looked After Children in Scotland (CELCIS)
- NHS Health Scotland
- Scottish Association of Social Workers
- Scottish Public Services Ombudsman
- Scottish Tribunals and Administrative Justice Advisory Committee
- West Lothian Anti-Poverty Development Group and the West Lothian Advice Network



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