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Welfare Reform Committee

Stage 1 report on the Welfare Funds (Scotland) Bill





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Welfare Reform Committee

To keep under review the passage of the UK Welfare Reform Bill and monitor its implementation as it affects welfare provision in Scotland and to consider relevant Scottish legislation and other consequential arrangements.



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Note: The membership of the Committee changed during the period covered by this report, as follows:

Christina McKelvie and Joan McAlpine joined the Committee on 27 November 2014, replacing Annabelle Ewing (Scottish National Party, Fife, Mid Scotland) and Linda Fabiani (Scottish National Party, East Kilbride, Central Scotland).

Clare Adamson joined the Committee on 27 November 2014, replacing Jamie Hepburn (Scottish National Party, Cumbernauld and Kilsyth, Central Scotland) and became Deputy Convener on 2 December 2014.

Annabel Goldie joined the Committee on 3 December 2014 replacing Alex Johnstone (Scottish Conservative and Unionist Party, North East Scotland).

Executive Summary

1. From 1 April 2013 the UK Department of Work and Pensions abolished the Social Fund and transferred Scotland's share in relation to Community Care Grants and Crisis Loans to the Scottish Government. Scottish Ministers chose to use the funds to create an interim scheme, in agreement with COSLA, known as the Scottish Welfare Fund. The Scottish Government topped up the DWP funding by £9.1 million to provide a total of £33 million of programme funding in 2013/14.
2. The UK Government also made the corresponding funding available to the devolved administration in Wales and local authorities in England to provide assistance as they saw fit. This has led to some areas in England not offering a social fund equivalent.
3. The aim of the interim scheme is to provide grants for people on low income during a disaster or emergency. It also provides ad hoc support to help vulnerable people maintain a settled home and remain independent in the community.
4. The Welfare Funds (Scotland) Bill aims to put the interim scheme into legislation. The essence of the scheme will remain the same. The main change is the proposal to introduce the Scottish Public Service Ombudsman (SPSO) as a 'second tier reviewer' dealing with applicants who wish to further appeal their award decision. The Bill provides a framework with detail of how the fund will operate being set out in regulations and guidance.
5. The Committee received written and oral evidence from a range of witnesses. It came to the following conclusions and recommendations.

General Principles

6. The Committee welcomes the Bill and believes that it achieves its general aims and principles. It recognises the benefits a statutory Scottish Welfare Fund may bring to local authorities and fund users. For example, the greater stability that a statutory duty for local authorities to maintain a welfare fund brings in securing staff and resources as well as an improved, more holistic service.
7. However, the Committee was made aware of some concerns that the eligibility criteria may be drawn too tightly. It recommends that the Scottish Government reconsiders the criteria in section 2 of the Bill, in light of all the written and oral evidence received, to ensure that all those in legitimate need of the fund are able to access it.
8. The experience of carers was also drawn to the Committee's attention. In light of this evidence, it recommends that the Scottish Government make every effort to integrate the work of the Scottish Welfare Fund with the Children and Young People Act 2014 and the upcoming guidance related to this Act.

Outsourcing the operation of the fund

9. The Committee acknowledges the benefits that may be drawn from local authorities working jointly to administer the fund. It also takes some comfort from the view of the Minister that the Scottish Government does not envisage the fund being outsourced to a private company.
10. However, in light of the evidence received the Committee recommends that the Scottish Government consider the issue of outsourcing in light of EU procurement laws and thresholds to ensure that private companies are not allowed to undertake the work.^{i, ii}
11. The Committee would also suggest that the Scottish Government issue guidance to help steer local authorities through the outsourcing process and to provide consistency in approach.

Local Authority first tier reviews

12. The Committee is content with the continuation of local authorities conducting first tier reviews. However, it recommends that the Scottish Government and COSLA monitor the number of reviews and, if necessary, explore the reasons for the low numbers to date. The Committee also recommends that notification of the right of appeal is included in all rejection letters to applicants.
13. The Committee notes the view of the Delegated Powers and Law Reform Committee that it is preferable to require, rather than allow, Scottish Ministers to regulate regarding local authority reviews. It is encouraged that the Scottish Government does not foresee any difficulties with this change in language.

SPSO conducting second tier reviews

14. The Committee believes that the qualities of impartiality and independence are important in any review body. As such it supports the Scottish Government's proposal for the SPSO, instead of local authorities, to conduct second tier reviews.
15. The Committee welcomes the commitment of the SPSO to carry out a full consultation and publish guidance on how it will conduct reviews in which it will set out its obligations, timescales and processes. The Committee also supports the SPSO in its call for an appropriate provision to this effect to be included in the legislation.

ⁱ Alex Johnstone MSP dissents from this paragraph.

ⁱⁱ Michael McMahon MSP and Ken Macintosh MSP wished to replace this paragraph with the following wording "However, the Committee recommends that the Scottish Government removes the opportunity for local authorities to outsource to a third party and restrict the provision in the Bill to solely joint working with other local authorities". See Annex B for detail.

16. The Committee suggests to the Scottish Government that it would be useful to include the SPSO on the list of groups to consult on changes to regulations or guidance. It would also be helpful to include, in regulations or guidance, a requirement for local authorities to provide information or representation to the SPSO when required.

Fraud, the recovery of funds and loans

17. The Committee recognises the need to be able to act accordingly if there is fraud or abuse of the fund to the detriment of genuine fund users. However, it believes that the fund should preserve an ethos of trust and respect and should not start from the assumption that Scottish Welfare Fund users intend to defraud.
18. The Committee understands and supports the Scottish Government's clear intention that the fund is a grant making scheme and that it has no wish to revert to loans. However, in the interests of clarity, and to future proof the grant making aspect of the fund, it would recommend a tightening of the language in section 5 to clarify that the provision is indeed concerned with fraud.

Administrative Funding

19. The Committee supports the Finance Committee's view that it is vital that administration of the fund is supported by the appropriate resource levels and that growth in demand for assistance is recognised.
20. The Committee welcomes the assurance of the Minister that the Scottish Government is happy to reconsider the distribution of administrative funding pending any strong evidence which arises through the benchmarking exercise from COSLA. It encourages COSLA to make its findings publically available as soon as practically possible.

Programme Funding

21. The Committee recognises the challenges that the current financial climate and the recent welfare reforms may present for the Scottish Welfare Fund. It agrees with the view of the Finance Committee that the Scottish Welfare Fund can be considered as a preventative tool that can play a role in preventing future, potentially more costly, demands falling on public services.
22. The Committee welcomes the Scottish Government proposal to adopt a needs based approach to the allocation of Scottish Welfare Fund programme funding. It recommends that an additional category to monitor any unmet need, and the reason why that need has arisen, is included in COSLA's benchmarking indicators.

Funding to set up the SPSO as a second tier reviewer

23. The Committee notes that uncertainty about the number of appeal cases will have a significant, yet currently unquantifiable, impact on the funding, resource and space requirements for the SPSO.
24. The Committee supports the recommendation from the Finance Committee and the SPSO that reviews should be put in place to allow the true nature of demand for second tier reviews to be established.

Review

25. The Committee is aware of the increasing administrative workload which is being placed on local authority staff. In light of this the Committee recommends on-going monitoring, rather than a review clause. This would allow the Scottish Government and local authorities to keep a close eye on performance and respond more proactively to any needs.
26. The Committee suggests that the Scottish Government may wish to work with COSLA to consider how its benchmarking evidence may be useful in this process.

Power to make regulations

27. The Committee notes the view of the Delegated Powers and Law Reform Committee that the regulations should be subject to the affirmative procedure. As the Bill provides a framework and the majority of the operational detail will be contained in regulations the Committee feels it is important that regulations receive a detailed level of scrutiny.
28. The Committee welcomes the Scottish Government interim response that it foresees no difficulties in moving to the affirmative procedure.

Introduction

1. As part of the Welfare Reform Act 2012, the UK Department for Work and Pensions (DWP) abolished the discretionary Social Fund, with effect from 1 April 2013. It then transferred Scotland's share of the discretionary elements of the Fund (Community Care Grants and Crisis Loans) to the Scottish Government.
2. Social security is generally reserved to the UK Parliament. However, a modification to Schedule 5 of the Scotland Act 1998 provided a new exception to the social security reservation, which widened the legislative competence of the Scottish Parliament. This allows it to legislate in relation to the provision of local welfare assistance in cases of crisis, or to help establish or maintain a settled home.
3. Since April 2013, the Scottish Government has operated 'the Scottish Welfare Fund' as an interim scheme. These interim arrangements are based on a voluntary agreement between Scottish Ministers and the Convention of Scottish Local Authorities (COSLA). The interim Scottish Welfare Fund aims to—
 - provide a safety net in an emergency when there is an immediate threat to health and safety through the provision of a non-repayable grant which is known as a Crisis Grant; and
 - enable people to live independently, or to continue to live independently, preventing the need for institutional care, through the provision of a non-repayable grant which is known as a Community Care Grant. This includes providing assistance to families facing exceptional pressures. For example, where there has been a breakdown in family relationships, perhaps involving domestic violence, which results in a move.
4. The Welfare Funds (Scotland) Bill was introduced to the Scottish Parliament by Nicola Sturgeon, Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities on 10 June 2014. The Welfare Reform Committee was designated as lead Committee.
5. The Bill seeks to place the scheme in legislation and to make provision for the establishment of welfare funds which will be maintained by local authorities. The detail of how welfare funds will be managed is not set out in the Bill. However, the Bill was accompanied by associated draft regulations and will be followed up with revised guidance.
6. In order to inform its scrutiny of the Bill the Committee took oral evidence on 30 September, 7 October, 28 October and 4 November 2014. See Annexe for detail of the oral witnesses.

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7. The Committee also issued a call for written evidence which ran from 25 June 2014 until 28 August 2014. A total of 48 submissions were made, 18 from local authorities and COSLA, 25 from third sector groups, 2 from the NHS and 3 from ombudsman and tribunal services.
8. Evidence on the Bill was also considered by the Finance and Delegated Powers and Law Reform Committee. Links to the reports from these Committees are included in Annexe A and B.
9. The findings and recommendations of the Committee are detailed in the following report.



Committee Members (as at 28 October 2014) with Scottish Welfare Fund users

The Bill

General principles

11. Overall, submissions and witnesses were supportive of the Bill and its general principles. As the Bill provides a framework for the fund, much of the detail about the running of the fund will appear in regulations and guidance. Witness suggestions for operational improvements have been included later in the report.
12. When asked how the Bill and the interim scheme compared to the UK DWP administered fund witnesses were very positive. Scott Robertson from Quarriers observed that—
 - ” “The comparison between the new system and the previous system is like night and day.” ¹
13. Local authorities stated that providing them with a statutory duty to maintain a welfare fund would give local authorities greater assurance and the ability to retain staff members, expertise and knowledge. It was also suggested this statutory duty would help to secure local authority funding and resources on an on-going basis.
14. It was noted by Alastair McArthur from Renfrewshire Council that a recent Audit Scotland report highlighted the difficulty that many councils face in securing and retaining benefits-qualified staff that are able to make the kind of decisions needed for the Scottish Welfare Fund. Dave Berry from Dundee City Council told the Committee that—
 - ” “The proposed legislation would give local authorities assurance. In fact, they will now have a duty that must be done. That can only be good for the continuing development of the Scottish welfare fund. The interim scheme worked well, but lasted for only two years. Because we have not been able to employ staff on permanent contracts, given the two-year length of the scheme, we have started to have high turnover.”²
15. It was also suggested that participation in the interim scheme to date has led to better engagement with local partners and a greater understanding of the issues local people may face. Improved communication and interaction with local partners was also reported as enabling local authorities to work preventatively with vulnerable individuals. Councillor Norman MacDonald from Comhairle nan Eilean Siar said—
 - ” “The Scottish welfare fund has contributed significantly to the building of those partnerships and our being far more effective and proactive in recognising what the issues are for local people.” ³

16. The scheme was also credited with allowing greater integration across local authority services. Dave Berry said—

” “In Dundee, the scheme that we set up is integrated between social work and our revenues department in recognition of the fact that different departments have different skills.”⁴

17. However, this was not the case across the board as users of the Scottish Welfare Fund who appeared in front of the Committee suggested that communication across local authority departments was lacking. We comment further on this in the section on awareness and signposting below.

18. One organisation, SCVO, did call for the Bill to be delayed. However, upon further reflection when appearing before the Committee SCVO stated that the important thing is to ensure that the Bill is regularly reviewed and working on the ground for the people whom it is intended to help.

19. The Committee welcomes the Bill and believes that it achieves its general aims and principles. It recognises the benefits a statutory Scottish Welfare Fund may bring to local authorities and fund users. For example, the greater stability that a statutory duty for local authorities to maintain a welfare fund brings in securing staff and resources as well as an improved, more holistic service.

Eligibility and use of welfare funds

20. Section 2 of the draft Bill sets out the circumstances in which a local authority can provide financial or other assistance to an individual. There is a concern from some witnesses that the current wording within the Bill is too tightly drawn and may exclude those with a legitimate need. As such the Committee heard a range of calls to amend this section.

21. For example, Capability Scotland, the Scottish Campaign on Welfare Reform (SCOWR), Health and Social Care Alliance and Inclusion Scotland stated in written evidence that disabled people are disproportionately impacted by the welfare reforms. As such an extra category of “disabled people who would otherwise be unable to maintain their ability to live independently” should also be included.

22. There was also a call in written evidence from Inclusion Scotland for the Committee to seek an amendment to bring Gypsy Travellers within the eligibility scope of the Fund. Currently, they may be excluded as to receive a payment you need to reside, or be about to reside, in a local authority area or be homeless.

23. In particular, the Committee heard strong requests for an amendment to include ‘families under exceptional pressure’ and carers.

Families under exceptional pressure

24. Currently, short-term need is described in the Bill as “arising out of an exceptional event or exceptional circumstances” However, third sector organisations such as One Parent Families Scotland, Shelter Scotland, Barnardos, Poverty Alliance, CPAG, and Engender note that families are increasingly facing extreme financial pressure, not as a result of crisis, but part of their everyday life. They attribute this on-going pressure to a variety of factors such as increases in benefit sanctions and the cost of living.
25. It was noted in written evidence from Capability Scotland that the UK Discretionary Social Fund had a category for families under “exceptional pressure” which is not present in the Scottish Bill. Jon Shaw from CPAG states—

” “There is an important point about ensuring that the needs of the groups whose needs the guidance quite clearly intends to meet are met. In the bill at the moment, families under exceptional pressure are taking a back seat, and the statistics appear to show that families with children are applying less than they did for community care grants under the old system”.⁵

Carers

26. Under the Children and Young People Act 2014 there is a much greater emphasis on the corporate parenting responsibilities held by local authorities and other public bodies for formerly looked-after young people. A number of third sector organisations called for greater alignment of the Welfare Funds (Scotland) Bill and the 2014 Act to ensure formerly looked after young people do not fall between the cracks.
27. Barnardos stated that, under the Act, all formerly looked-after young people under the age of 26 should be deemed to be qualifying individuals for Scottish Welfare Fund assistance. Barnardos and Who Cares? Scotland sought confirmation that the eligibility criteria in the Bill includes all young people who have been in the care of a local authority or kinship care and not just those who have been in residential care.
28. Users of the Scottish Welfare Fund, from whom the Committee took evidence, reported that many authorities that they come into contact with do not know about the concept of ‘corporate parents’. They also reported that they could be doing more in the role to offer information about the support that is available. Connor, a Scottish Welfare Fund user, said—

” “ ‘Corporate parent’ is just another term for ‘parent’, essentially. Corporate parents are supposed to be like a family, but when you get to a certain point they are just not interested any more. To me, that is just not fair.”⁶

29. The Committee recommends that the Scottish Government reconsiders the eligibility criteria in section 2 of the Bill in light of all the written and oral evidence received to ensure that all those in legitimate need of the fund are able to access it.
30. The Committee recommends that the Scottish Government make every effort to integrate the work of the Scottish Welfare Fund with the Children and Young People Act 2014 and the upcoming guidance related to this Act.

Contracting services out to a third party

31. Section 3 of the Bill allows a local authority to make arrangements for another organisation to administer its welfare fund on its behalf. This means that local authorities can outsource the provision of their welfare fund to the private or third sector or to another local authority. It also allows for a number of local authorities to come together and either administer or outsource the provision of their welfare funds jointly.
32. All local authorities, COSLA and some of the third party organisations agreed with the provision. Many referenced the benefits of the provision, particularly for smaller authorities. These include economies of scale, increased purchasing power, sharing best practice and increased consistency. Many authorities in their written submissions referenced this power in relation to working with other local authorities or with the third sector. Alastair Macarthur from Renfrewshire Council said—

” “We are content to have the flexibility to outsource under the bill. It is not so much about bringing the private sector on board; it is more about looking across local authority boundaries.”⁷

33. Reported drawbacks include the dilution of local knowledge affecting the holistic nature of the fund, reduced accountability and a lack of clarity on where to direct complaints and uncertainty on how internal reviews will operate. It was noted that there might also be inconsistency in decision making if authorities have different levels of demand or deprivation. Councillor Norman MacDonald said—

” “It is important that the local authority still has a degree of control over services that are outsourced either informally or formally, because we will ultimately be held to account for delivery of those services to some of the most vulnerable people in our community.”⁸

34. Third sector organisations were very firmly against the use of private third party providers being involved in the delivery of state benefits for profit. The experience of ATOS was referenced. Marion Davis from One parent Families Scotland said—

- ” “Outsourcing could open the door to contracting out to private companies. The evidence shows that contracting out to the private sector in the welfare system has not been successful. We feel that there is a conflict of interest that has led to poor outcomes.”⁹
35. Some observed that third parties might be useful but only in specific situations, which should be set out in regulations alongside criteria to identify suitable providers. Clear knowledge and experience of the vulnerabilities of applicants would be essential. Mark Ballard from Barnardo’s said—
- ” “Our point is that there would need to be very clear guidelines on suitability and that they need to be set out in regulations. Third sector providers might be able to offer support, but they would have to demonstrate very clearly that they understood the vulnerabilities of the people involved.”¹⁰
36. Beth Reid from Citizen’s Advice Scotland echoed this point—
- ” “All too often situations result in which people bounce between the local authority, which is saying, “That’s not our responsibility, it is the contractor’s” and the contractor, which is saying, “Well, we have not had the email from them.” We need a clear and transparent system if outsourcing is to be considered.”¹¹
37. There was also a call from Citizen’s Advice Scotland (CAS) for clarity on whether outsourcing to the third sector would involve administrating the delivery or the application process. Concerns were raised about a potential conflict of interest if an organisation such as CAS was advocating for an applicant and then being involved in the processing of the application.
38. The Minister observed that she did not envisage the Fund being open to outsourcing to anyone other than local authorities and the third sector. She said—
- ” “The provision was put in because it was felt that the potential for outsourcing would provide flexibility. I assume that any outsourcing would be to the third sector and not to anywhere else. Indeed, I do not assume that work will be outsourced at all.”¹²
39. However, Inclusion Scotland raised concerns about the legal implications of the provision which would allow the private sector to automatically bid for work if the third sector was invited to bid. Bill Scott said—
- ” “I am also worried about the idea that the third sector might be able to bid for contracts but the private sector would not. Since when does that fit with European law? As soon as we open the door to the third sector bidding to do the work on behalf of a local authority, we are also opening the door for the private sector.”¹³

40. The Committee notes that contracting out these services would likely be subject to the EU regulation on public procurement which requires public bodies to comply with rules around equal treatment and non-discrimination of potential suppliers.
41. Although there are some types of contract which can be reserved for certain suppliers it is not clear whether, under the current rules, contracts under the bill could be reserved to, for example, third sector bodies.
42. The Committee is also aware that there are new rules on EU Procurement that must be transposed into Scots Law by April 2016, which may allow for more flexibility in this area. The Scottish Government is expected to publish its consultation on implementing the new EU Directives (and its own Procurement Reform Act) before the end of 2014.
43. The Committee acknowledges the benefits that may be drawn from local authorities working jointly to administer the fund. It also takes some comfort from the view of the Minister that the Scottish Government does not envisage the fund being outsourced to a private company.
44. However, in light of the evidence received the Committee recommends that the Scottish Government consider the issue of outsourcing in light of EU procurement laws and thresholds to ensure that private companies are not allowed to undertake the work.^{iii, iv}
45. The Committee would also suggest that the Scottish Government issue guidance to help steer local authorities through the outsourcing process and to provide consistency in approach.

Reviews and appeals

Local authorities conducting first tier reviews

46. Currently, if an applicant disagrees with the decision made on their application they can ask for a review which would be carried out by another member of the Scottish Welfare Fund team within the local authority. The Scottish Government intends that this approach continues and the Bill allows regulations to be made about arrangements local authorities must have in place to review decisions.
47. In general, the majority of submissions were content with the local authority continuing to provide first tier reviews. However, there was a concern, raised by SCVO, that although there have been a small number of first tier reviews overall, when reviews do occur they have a high overturn rate and the decision goes in the

ⁱⁱⁱ Alex Johnstone MSP dissents from this paragraph.

^{iv} Michael McMahon MSP and Ken Macintosh MSP wished to replace this paragraph with the following wording "However, the Committee recommends that the Scottish Government removes the opportunity for local authorities to outsource to a third party and restrict the provision in the Bill to solely joint working with other local authorities". See Annex B for further detail.

applicant's favour. SCVO also recommended that the reason behind the low numbers of first tier reviews should be explored.

48. In some circumstances, knowledge of the appeals process was lacking. Lana, a welfare fund user said in relation to an application—

“I had mine denied straight away and they did not tell me that I could appeal it. If it was not for my training, I would not have known.”¹⁴

49. The Committee queried why it has been considered appropriate to frame section 4(1) as being permissive, in that it allows the Scottish Ministers to regulate to require local authority reviews, rather than requiring Scottish Ministers to regulate for local authority reviews. The Scottish Government highlighted that there are many ways in which a provision can be phrased that would achieve similar results. It stated—

“From our preliminary analysis, we do not see difficulties with that, so I suspect that we will come more into line with what that Committee is looking for.”¹⁵



50. The Committee is content with the continuation of local authorities conducting first tier reviews. However, it recommends that the Scottish Government and COSLA monitor the number of reviews and if necessary explore the reasons for the low numbers.
51. The Committee recommends that notification of the right of appeal is included in all rejection letters to applicants.
52. The Committee notes the view of the Delegated Powers and Law Reform Committee that it is preferable to require, rather than allow, Scottish Ministers to regulate regarding local authority reviews. It is encouraged that the Scottish Government does not foresee any difficulties with this change in language.

Scottish Public Services Ombudsman conducting second tier reviews

53. As part of the interim scheme second tier reviews are carried out by an impartial panel made up of local authority staff, separate from the Scottish Welfare Fund team. If the review goes beyond the second tier the applicant can make a complaint to the SPSO who will consider whether there had been maladministration. The Bill proposes a change to current practice, and provides applicants with a right to apply for a second tier review by the SPSO. This would effectively provide the SPSO with a dual role.

54. Currently the SPSO looks into complaints where a member of the public claims to have suffered injustice or hardship as a result of maladministration or service failure. These new powers would also allow the SPSO to consider whether the decision regarding the award of a Scottish Welfare Fund grant is one that should have been made, and to direct the council to put in place an alternative decision or reconsider their original decision, where appropriate.
55. The views received on this new duty were split. The majority of local authorities were against the new role of the SPSO and would prefer the power to remain with them. It was commented that it would be more consistent with the principles of local self-governance for secondary reviews to remain in local authority control. Others voiced concerns that it would mean greater administrative work and higher costs for the local authority with a less effective and timely service to applicants. Some questioned whether the SPSO would be able to respond to appeals quickly enough. It was also suggested that the inclusion of local knowledge in decision-making would be lost.
56. In general terms, the third sector organisations and some local authorities were in favour of the use of the SPSO as it was seen as independent, consistent, and impartial. Others agreed but questioned the scale of the need involving the SPSO on such small value claims. As Highland Council’s written submission said “is this a sledgehammer to crack a nut?”¹⁶
57. Some third sector organisations felt that the use of the SPSO would give the Scottish Welfare Fund a national consistency which is important when the scheme is designed to take advantage of local delivery, while maintaining a national character. Derek Young of Age Scotland said—
- ” “The ambition that the Scottish Government stated when the Scottish welfare fund was created on a non-statutory basis was that the funds should be locally administered but that the approach should be consistent nationally. Our firm view is that, if second-tier reviews cannot be done at a Scotland-wide level, no structural dynamic will ensure consistency.”¹⁷
58. Barnardos also noted that using the SPSO would allow best practice and learning to be shared across all local authorities and not just the authority in which the review took place—
- ” “The most important thing is ensuring that the learning from the SPSO’s reviews is used to improve the practice of local authorities across the board, and not just the practice of the authority to which the review related,”¹⁸
59. The SPSO was also perceived as being fair and impartial in a way that the local authority would be unable to be. Bill Scott from Inclusion Scotland said—
- ” “nobody—not one single disabled person whom we asked—said that the local authority should do it. People said that that would not be perceived as

fair. Even if the decision was correct, the local authority would still be reviewing its own decision, and that was just felt to be unfair. ¹⁹

60. This was echoed by Duncan Dunlop from Who Cares? Scotland—

” “Given that it is part of the same establishment that rejected the first claim, why would they go through it again? Obviously, people are very vulnerable emotionally at such times, and it would be great if they thought that the matter would be reviewed independently.”²⁰

61. Concerns were raised in evidence about possible confusion over the two powers of the SPSO (complaint and review). The SPSO acknowledged this issue in evidence submitted to the Committee. Members also pursued the issue of complaints versus reviews in oral evidence sessions. The SPSO said it was confident that it would be able to determine quickly how the issue should be dealt with – either as a complaint, as a review or both.
62. There was an understanding that the governance arrangements for the SPSO means that no regulations for its operation can be laid by the Scottish Government. However, there was desire for clear processes, rules and timescales to be set out as quickly as possible.
63. The SPSO said in its written submission that it intends to ask the Scottish Government to include a provision in the legislation allowing the SPSO to produce rules, after appropriate consultation, showing how it will consider reviews.

64. The Committee believes that the qualities of impartiality and independence are important in any review body. As such it supports the Scottish Government’s proposal for the SPSO, instead of local authorities, to conduct second tier reviews.
65. The Committee welcomes the commitment of the SPSO to carry out a full consultation and publish guidance on how it will conduct reviews in which it will set out their obligations, timescales and processes. It also supports the SPSO in its call for an appropriate provision to this effect to be included in the legislation.
66. The Committee suggests to the Scottish Government that it would be useful to include the SPSO on the list of groups to consult on changes to regulations or guidance. It would also be helpful to include in regulations or guidance a requirement for local authorities to provide information or representation to the SPSO when required.

Fraud, the recovery of funds, and loans

67. Section 5 of the Bill sets out the circumstances in which payments or assistance may or may not be repaid or recovered. There was a call from third sector organisations for clarification that the drafting in section 5(2) is indeed to do with fraud and would not enable a shift back to loan repayments. While there was general agreement that there should be mechanisms to deal with fraud it was felt that the current wording is too vague. Mark Ballard from Barnardo's said—

” “The key point is that, if section 5(2)(f) is going to talk about “circumstances in which moneys have to be repaid”, that needs to be balanced by something in the bill that defines the fund as a grant-making fund not a repayable loan-making fund, to clarify exactly what that reference to moneys being repaid means.”²¹

68. There was also the view that any fraud was in the minority of cases. Marion Davis from One Parent Families Scotland (OPFS) said—

” “we support the grant model over loans. When witnesses were asked at, I think, the previous meeting what the evidence base for fraud was, it came through to me that there was no clear evidence base. There may be anecdotal cases, which we will probably always get, but there is no evidence of widespread fraud or the reselling of goods on a massive scale. When we met Scottish Government officials, they agreed that that was the case.”²²

69. There was also a clear preference indicated by witnesses for grants over loans in terms of service provision. Jon Shaw from CPAG said—

” “We have always been firmly in favour of a grants system. The issue with loans is simply that the repayment causes further on-going financial pressure to those on the lowest incomes.”²³

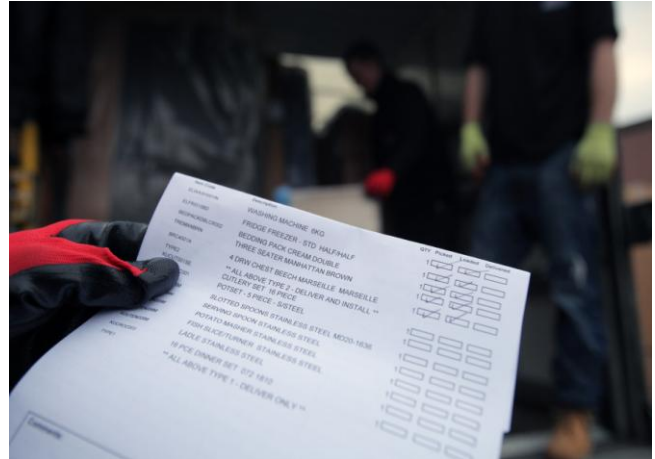
70. The Committee recognises the need to be able to act accordingly if there is fraud or abuse of the fund to the detriment of genuine fund users. However, it believes that the fund should preserve an ethos of trust and respect and should not start from the assumption that Scottish Welfare Fund users intend to defraud.

71. The Committee understands and supports the Scottish Government's clear intention that the fund is a grant making scheme and that it has no wish to revert to loans. However, in the interests of clarity, and to future proof the grant making aspect of the fund, it would recommend a tightening of the language in section 5 to clarify that the provision is indeed concerned with fraud.

Funding

Administration budget

72. A strong message coming from the evidence submitted to both the Committee and the Finance Committee is that the funding provided to administer the fund is falling short and that local authorities are supplementing the funding from their own budgets. Submissions from, for example, Edinburgh, East Dunbartonshire, Fife, East Ayrshire, Dundee, Scottish Borders, Perth and Kinross, Argyll and Bute and Moray commented that the administration funding was insufficient compared with the actual costs of running the fund. For instance, East Dunbartonshire received £43,970 in administration costs. The total cost of running the Scottish Welfare Fund in the area last year was £224,232²⁴. This funding gap had to be made up by the local authority. Dave Berry from Dundee Council said—



“even stripping out what we might call the added elements and looking purely at the cost of processing the applications, we feel that we are still short by around 30 or 40 per cent in relation to the actual administration grant funding, which is a concern, going forward.”²⁵

73. COSLA stated in written evidence to the Finance Committee that—

“Failure to address the concerns highlighted around administrative funding could potentially jeopardise the wider outcomes the Welfare Funds (Scotland) Bill is trying to achieve”²⁶

74. Many local authorities also commented in written evidence that it would be unrealistic to expect savings referred to in the Financial Memorandum as applications to the fund were expected to increase resulting in additional administrative costs for the authority. The third sector agrees that the demands on the fund are going to increase and organisations such as SCVO noted the significant time and effort which has been put in by the third sector to help bed in the fund. Lynn Williams from SCVO said—

“Suddenly people are starting to get more involved—as my colleagues have outlined—in seeing people through the application process and in advocacy. Staff are being trained in the new system on existing budgets, so there is a hidden cost to the third sector there.”²⁷

75. The Minister highlighted the benchmarking project that is currently being undertaken by COSLA to assess the average costs of delivering the fund. She also assured the Committee that the Deputy First Minister would be happy to reconsider the distribution of the administrative funding, provided that the evidence was strong enough. She said—

” “The Convention of Scottish Local Authorities has said that 15 per cent is insufficient to administer the fund and it is conducting a benchmarking exercise. The Deputy First Minister has said that once the benchmarking is complete, if there is compelling evidence that demonstrates that the fund cannot be administered for the costs for which we believe it can be administered, she will look at the issue again. However, she will not do so until that evidence is placed in front of us.”²⁸

76. At the time of agreeing the report the Committee had not yet had sight of COSLA’s benchmarking evidence.

77. The Committee supports the Finance Committee’s view that it is vital that administration of the fund is supported by the appropriate resource levels and that growth in demand for assistance is recognised.

78. The Committee welcomes the assurance of the Minister that the Scottish Government is happy to reconsider the distribution of administrative funding pending any strong evidence which arises through the benchmarking exercise from COSLA. It encourages COSLA to make its findings publically available as soon as possible.

Programme budget

79. The increasing level of demand on the fund and the cumulative impact of welfare reforms, many of which are still to be seen, were concerns for many witnesses. In particular, the introduction of Universal Credit and Personal Independence Payments, the increase in sanctions and an improved awareness of the fund could be expected to increase demand.

80. Third sector organisations highlighted concerns about the variation in spending and average award across Scotland. For example, Poverty Alliance presented information from the recent Scottish Welfare Fund statistics stating that there was a “postcode lottery for applicants”²⁹. Carers Scotland also called for consideration to be given to the disparities in fund access and grant award to ensure equity of experience across Scotland. Mark Ballard from Barnardo’s said—

” “There were 10 local authorities that had spent less than 75 per cent of their budgets, but there was no clear pattern or any link between the local authorities that appeared to have an issue in spending that budget.”³⁰

81. The Minister stated that the funding distribution was currently set out in an agreement between COSLA and the Scottish Government. This agreement based the funding allocation on historical data from the DWP Social Fund. She responded to the concerns about variation in spend with an assurance that the Scottish Government would consider a needs based approach to future funding allocations. This would be based on the operation of the Scottish Welfare Fund to date. The Minister said—

“I am not going to say that we can absolutely resolve the issue; I can say that we will look at a more needs-based approach as we go forward with the permanent scheme, to reduce the inconsistency that you are talking about.”³¹

82. The Minister also stated the programme funding was fixed for this Spending Review but would be considered again after 2015/16. When questioned on the different priority levels that local authorities apply, the Minister explained that those authorities with large demands on their budgets would only be able to pay out to high priority clients. Bill Scott from Inclusion Scotland raised the issue of unmet need and suggested that recording of all enquiries and applications could be improved. He said—

“we need to measure unmet need; we need to find out what the fund has been unable to resource as well as what it has been able to resource. Some local authorities are spending up to and just over the budget that they are getting; other authorities are not. I would like to know why, because we know that need exists.”³²

83. The Committee recognises the challenges that the current financial climate and the recent welfare reforms may present for the Scottish Welfare Fund. It agrees with the view of the Finance Committee that the Scottish Welfare Fund can be considered as a preventative tool that can play a role in preventing future, potentially more costly, demands falling on public services.

84. The Committee welcomes the Scottish Government proposal to adopt a needs based approach to the allocation of Scottish Welfare Fund programme funding. . It recommends that an additional category to monitor any unmet need, and the reason why that need has arisen, is included in COSLA’s benchmarking indicators.

Setting up SPSO as second tier reviewer

85. This issue provoked a mixed response. Some local authorities raised concerns that SPSO funding was disproportionate due to their own very low numbers of second tier reviews. As such, many did also not anticipate the savings indicated in the Financial Memorandum as part of the move to SPSO.

86. Some local authorities suggested that the funding might be more effectively used to address shortfalls in administration budgets. Others voiced concern that binding decisions by the SPSO could cause difficulties in managing budgets throughout the year.
87. The Minister was asked about the costs of using the SPSO relative to maintaining second tier reviews with local authorities or setting up a tribunal service. She said—
- ” “We reckon that the cost per case for the Scottish Public Services Ombudsman will be about £202, based on a planning assumption of 2,000 cases. We needed to make a planning assumption in order to calculate the cost. The tribunal cost would be £413, with much higher set-up costs, and the cost were local authorities to review would be anything from £420 to £500 per case. It will certainly be cheaper to use the ombudsman service.”³³
88. The numbers contained in the Financial Memorandum were based on an estimated number of 2,000 reviews a year. There was a focus in the discussion about how this figure was arrived at. The Scottish Government advised that it was agreed by the Scottish Government as well as the reference group, which includes local authorities, COSLA, the third sector and stakeholders. Mr Karamjit Singh, the Social Fund Commissioner for Northern Ireland, noted that in previous years for Scotland under the DWP Social Fund the number of reviews was in the region of 6,000. Jim Martin the Scottish Public Services Ombudsman said—
- ” “The figure was 6,000; we are currently seeing about 400. We know that the number for Northern Ireland is 1,650. For planning purposes, we have had to arrive at numbers in order to think through what the implications would be if we reach a certain level of appeals. What the actual numbers will turn out to be is anyone’s guess at the moment.”³⁴
89. The SPSO observed that the approach taken in Scotland is different to that of the Social Fund. Applicants are provided with signposting to other services and are offered a more holistic support. This is thought to potentially have also had an impact on the reduction of appeals—
- ” “The local authority system in Scotland may well be directing people to routes where they were not previously being directed by the DWP. There might be a better qualitative response in Scotland, which is lowering the numbers that come through.”³⁵
90. The Committee notes that uncertainty about the number of cases will have a significant, yet currently unquantifiable, impact on the funding, resource and space requirements for the SPSO.

91. The Committee welcomes the SPSO's intention to be flexible in order to adapt to changing demands. It supports the recommendation from the Finance Committee and the SPSO that, once the legislation is in place, reviews should be conducted to allow the true nature of demand for second tier reviews to be established.

Review clause

92. A small number of organisations called for a review clause. This would enable further consideration of the operation of the fund, in light of the outcome of the Smith Commission process and any Scottish Government response to the continuing welfare reform agenda. Lynn Williams from SCVO said—

“First, we need to ensure that we are getting this right, that it is working and that it is achieving its purpose. Will the context in which it is operating change over the next couple of years? Given that we are potentially in the middle of further powers being devolved to Scotland, would such devolution change things? Would we have to look at what the fund is doing and why it is doing it? Having done some work with the Standards, Procedures and Public Appointments Committee on the operation of legislation in the Scottish Parliament, I know that we do not review the working of legislation enough. As a result, a standard review clause stipulating a review a year or two years in will allow us to revisit the matter and ensure that the fund is doing what it was intended to do and that people are being supported.”³⁶

93. The Committee is aware of the increasing administrative workload which is being placed on local authority staff. In light of this the Committee recommends on-going monitoring, rather than a review clause. This would allow the Scottish Government and local authorities to keep a close eye on performance and respond more proactively to any needs.
94. The Committee suggests that the Scottish Government may wish to work with COSLA to consider how its benchmarking evidence may be useful in this process.

The power to make regulations

95. In a letter to the Scottish Government the Delegated Powers and Law Reform Committee stated that “the regulations should be subject to the affirmative procedure, unless there is good reason why that procedure would not be suitable.” In response Stuart Foubister of the Scottish Government Legal Directorate stated—

” “we have not finalised our response to the Delegated Powers and Law Reform Committee, but I would be surprised if we were to see difficulties in moving to the affirmative procedure.”³⁷

96. The Committee notes the view of the Delegated Powers and Law Reform Committee that the regulations should be subject to the affirmative procedure. As the Bill provides a framework and the majority of the operational detail will be contained in regulations the Committee feels it is important that they receive a detailed level of scrutiny.
97. The Committee looks forward to seeing the full Scottish Government response to the enquiries from the Delegated Powers and Law Reform Committee. It welcomes the Scottish Government interim response that it foresees no difficulties in moving to the affirmative procedure.

Issues for regulations and guidance

98. According to the Scottish Government, one of the reasons behind the interim scheme was to learn lessons from its operation before putting the new arrangements on a statutory basis. The Committee heard a wide range of evidence on the operation of the fund to date which highlighted good practice, areas of concern and suggestions for improvement.
99. Although, the detail of how welfare funds will be administered is not directly set out in the Bill the Committee feels that it is important that a record of this important feedback is made available through the Committee report.

Awareness and signposting

100. When the Committee took evidence from Scottish Welfare Fund users they stated that no one had heard about the fund through their local authority. Many were signposted by a third sector organisation that they were already working with, a friend or family member or the job centre. Some users reported that they were unaware that the fund was still continuing under the guise of the Scottish Welfare Fund and thought it had been abolished by the DWP. Laura said—

” “I did not know that the fund existed anymore. It had changed, and I thought that it had been taken out and that was it—there was nothing to replace it.”³⁸

101. Local authorities acknowledged that while in some areas there had been concerns about awareness they were working to improve the situation. Dundee City Council reported that—

” “There are a number of projects for which the partnership has successfully obtained funding to get the message across in response to welfare reform, regarding not just the Scottish welfare fund but other assistance that is available (...) The situation is not perfect. There are people who are still not aware of the fund, but we are getting better in that regard.”³⁹

102. Nicola Dickie from COSLA assured the Committee that COSLA was aware of the situation and was working with housing and social work colleagues to raise awareness and identify best practice. She said—

” “We still regularly see and brief the decision makers who make Scottish welfare fund payments and try to make them aware of the issues that customers are coming up against, but as part of that wider group we are working with stakeholders, if you like, to ensure that we are getting the Scottish welfare fund on their radars as best we can.”⁴⁰

103. When asked what was the best way to inform potential applicants of the Scottish Welfare Fund users said that a key point for support is when a person is starting a new tenancy. They suggested that the housing association or landlord could give them information about funds. They also suggested that social workers be fully briefed on the support the fund could offer. Derek Young from Age Scotland said—

” “The people, whom you do come across, such as health and social care professionals, might have no knowledge, or only poor knowledge, of the funds, which means that they might give inaccurate advice.”⁴¹

104. The Committee noted that there was perhaps an assumption that people applying to the fund were “already in the system”. However, in reality, many people could perhaps be facing hardship for the first time and be uncertain about where to turn for assistance.

105. The Minister acknowledged that more could be done but was confident that this was something that could and would be addressed. The Minister reported the work that is currently being done by Scottish Welfare Fund teams to raise awareness locally and within their authorities. This is in addition to the work done by the Scottish Welfare Fund reference group and the dedicated Scottish Welfare Fund officer at COSLA.

106. The Committee recommends that all social housing providers be provided with information on the Scottish Welfare Fund to be passed onto new tenants. The Committee acknowledges that making contact with private landlords is more complex. However, information could be provided to landlords when registering or through the various tenancy deposit schemes.

107. The Committee is supportive of the exchange of good practice that is currently underway and encourages all involved to continue to raise awareness of the fund and expand their knowledge.
108. The Committee welcomes the assurance of the Minister that the comments of the Scottish Welfare Fund users will be addressed and that she will look at ways to improve the flow of information on the Scottish Welfare Fund between various local authority departments.

Stigmatisation

109. One of the key themes running through all of the submissions and witness testimony was the danger of stigmatisation for fund users. Third sector representatives emphasised the importance of maintaining dignity and respect when accessing the fund. Stigmatisation was an issue which was raised by Connor, a Scottish Welfare Fund user, who said—

” “when I was speaking to the person on the phone, it felt as though they were looking down their nose at me and judging me quite a lot. I also felt that I had to lie to them, because at the time I lived in a supported care placement—I still do.”⁴²

” “I felt quite a lot of the time as though the person did not recognise me as a person. They just saw me as a voice on the phone looking for money. If they were to meet face to face with people, they could see the reality that you are a human being who has nowhere else to turn.”⁴³



110. Lynn Williams from SCVO stated that—

” “The language that is used in the bill and how that filters through to regulation and operation are incredibly important. I do not know how you do it, but we call for up—front principles around the bill that say that we are taking a rights-based approach and that, because when people go to the fund they cannot afford to provide the most basic of human rights, such as food and shelter, how they are treated is critical. Dignity and respect must be at the heart of that.”⁴⁴

111. One of the fundamental opportunities available to Scotland in the devolution of the social fund is the potential to take a different approach to this aspect of welfare. The Committee believes that the Scottish Welfare Fund could be enhanced by outlining the importance of the principles of dignity and respect for Scottish Welfare Fund users as a key part of the regulations and guidance.

Accessibility

‘Gatekeeping’

112. There is a concern from a number of third sector organisations that some local authorities have ‘gatekeepers’ who refuse applications before full consideration is given to the case. Resulting in the fund being underused, unmet need going unrecorded and potentially legitimate applications being rejected. Calls were made for all applications to be given full consideration. Alternatively for records to be kept of all enquiries including any vulnerability, for example age, lone parent, being in care and the reason the application was stopped.

113. Local authorities challenged the claim that ‘gatekeeping’ was an occurrence. Nicola Reid from West Lothian Council said—

” “When our applicants phone to make an application, our customer service centre takes the application regardless of whether it thinks the person would qualify for a grant.”⁴⁵

114. However, in the subsequent session with the third sector John Shaw from CPAG said—

” “At times your discussion with local authorities seemed to be missing the point a wee bit. For example, I believe that someone said, “Once an application is recorded on our Northgate system, it is passed straight to the decision maker.” However, the point about gate keeping is that you do not get to the point of registering your application, so you do not have the right to request a review. That is still a live issue. Although it is getting better, we are now seeing it in different ways.”⁴⁶

115. Another example of more subtle ‘gatekeeping’ was offered by CAS. Beth Reid said—

” “they might be told that only high-priority applications are being considered or that there was a similar case to theirs the other day in which the application did not go the whole way. As a result, people might not disclose the full information and the application might not be pursued. We have had cases of people thinking that they had made an application only to realise that they had not.”⁴⁷

116. It was also reported in written evidence that there was a misconception amongst some Scottish Welfare Fund staff that an applicant can only be awarded a grant if they have a qualifying benefit in place. An example was given of a person challenging an Employment Support Allowance decision. John Shaw from CPAG said —

“they could not be awarded a repeat application for a crisis grant until they had a qualifying benefit in payment. Even if you read the guidance from end to end, you will not see that information. It was a case of making the award but gate keeping a future application by putting somebody off from coming back if the crisis had not been resolved.”⁴⁸

117. The Committee accepts that there are differing views about so called ‘gatekeeping’ of the Scottish Welfare Fund. The key question behind the issue is whether ‘gatekeeping’ is leading to unmet need going unrecorded and unaddressed.

118. The Committee recommends that the Scottish Government consider ways in which local authorities can better record all successful and unsuccessful enquiries to ensure that the situation can be monitored.

119. The Committee also recommends including, within training or guidance, awareness raising so that staff are not unintentionally ‘gatekeeping’ the fund in initial discussions with applicants.

Applications

120. Evidence suggested to the Committee that the length and complexity of application forms sometimes put applicants off applying for the fund. This can be particularly challenging, for instance, for those with learning disabilities or mental health problems. Lengthy applications over the phone and online were also perceived to be difficult for people with children. It also made the assumption that everyone would have access to a computer. It was reported that some people only manage their application with support of an organisation. Marion Davis from One Parent Families Scotland said—

“There is still confusion about where people go to access various parts of the system. There are three channels: online; by telephone; and on paper. We found that there are challenges around online and telephone applications. It can take up to 40 minutes to make a claim. If parents come to our office, our staff will support them to submit the claim over the phone. However, for those who are not supported by organisations, it can be challenging. Some people are in local authority areas where there is no face-to-face support. In Glasgow, for example, people cannot go somewhere and see someone.”⁴⁹

121. There was a clear preference from Scottish Welfare Fund users for face to face applications. Lana said—

“I would prefer to do it face to face. I get stuttery when I am on the phone and I get frustrated when I cannot explain myself. If I was to sit down with someone, they would be able to see that I am being genuine and not just phoning up to make a claim. I would probably find that a lot more helpful and beneficial.”⁵⁰

122. However, the Committee recognises that it can be challenging to provide face to face applications at the same time as meeting processing targets for awards. The Minister highlighted that current guidance states that local authorities should make at least two methods of application available. She said—

“Some authorities take telephone and online applications, or applications from the third sector. There is nothing to prevent face-to-face contact, but that could slow the process down.

There is some evidence that the most vulnerable people are making their application with the assistance of another agency, so they have a face-to-face interview at that point.”⁵¹

123. It was also made apparent by Scottish Welfare Fund users appearing before the Committee that the majority were involved with another part of the local authority that already had information on file about them. For example, social work or housing. Users approved of the idea of sharing information across departments if that would speed up the application process. It was also seen as a way to validate their claim, for example if social work confirmed their circumstances.

124. The Committee recommends that a mechanism should be put in place, subject to the consent of the applicant, to allow relevant information already held on file in other areas of the local authority to be passed to the department dealing with the Scottish Welfare Fund.

125. The Minister suggested in evidence that at least two methods of application should be available. The Committee recommends that all options should be available in all areas. Even if they are not available as standard they should be made available on request.

126. The Committee recommends that the Scottish Government review the length of the current application form.

Awards

Consistency

127. In oral evidence the Committee was made aware of a case where an applicant was treated differently when moving across council boundaries. The Committee recognises that there may be certain circumstances in which technical issues related to other council policies may impact on an application. For example, homelessness. COSLA assured the Committee that although the fund is discretionary; the qualifying conditions are standard and are applied as standard across the country.

128. The Committee encourages local authorities to take a common sense approach to resolving these issues and employ joined up working wherever possible.

129. The Committee understands the flexibility inherent in a discretionary fund. However, the Committee recommends that the Scottish Government and COSLA monitor the situation to ensure that the policy is applied as consistently as possible across the country.

Cash versus goods

130. Clear arguments were put forward on both sides regarding whether it was better for an applicant to receive an award in the form of cash or whether it was better to receive vouchers or goods in kind (for example a sofa or a washing machine as part of a community care grant). Fund users were positive about receiving goods through the Community Care Grant. Charlene, a welfare fund user, said—

“We used to get community care grants paid into our bank accounts. Let us be honest. I am young. If I get hundreds of money paid into my bank account, I am not going to spend it on furniture if I have an addiction or whatever. In that sense, the welfare fund is fantastic because they come out and put the goods into your house or put the carpets down. I see that as a really high positive rather than a negative.”⁵²



131. Local authorities voiced strong support for providing goods in kind as it allowed them to know that the award was being used as intended and provided

opportunities for local business to be involved in procurement and distribution. Dave Berry from Dundee City Council said—

“Many of the goods that we provide are sourced locally, which means that we are able to support local businesses. We support a supported employment workshop through the provision of furniture and we use a social enterprise for carpet fitting. Through a locally based electrical distributor, we can create employment opportunities. We have found the fund to be very positive.”⁵³

132. There was a fear that some vulnerable people, especially those with addiction problems, may misuse the funds. Councillor Norman MacDonald from Comhairle nan Eilean Siar said—

“We tend to give out five times more goods than cash to people through crisis care. The goods are material things. We know what the money is being spent on and that the goods that go into people’s homes will be there for the benefit of everybody within that setting. That contrasts with giving out the money and then wondering whether it is being spent on what it is intended to be spent on.”⁵⁴

133. Helen McGreevy from South Lanarkshire Council gave an example of clients misusing awards and noted the benefits in providing energy vouchers as the money was able to be redeemed—

“We have statistics on the number of vouchers that are paid out but not redeemed. The figures amazed me when I started with the project. We award energy vouchers after going through the whole process and explaining it to people, but they do not cash them.”

134. The Convener asked whether the money was then lost. Helen McGreevy answered—

“No, it is paid back into the fund. I review that on a monthly basis. The voucher expires after a month, and we pay it back into the system. It is quite a large amount.”⁵⁵

135. However, the third sector voiced serious concerns about the potential stigmatisation and damage that this may cause. Particularly in terms of vouchers. Jules Oldham from Homeless Action Scotland said—

“Can we really base things on such a small minority? People in that minority are likely to have an addiction, so what are they going to do with that voucher or those goods? They are going to sell them on. It is not as if the voucher is going to stop them getting a hit; they might just get less of a hit and need to go shoplifting as well.”⁵⁶

136. Concerns were also raised that people may not be able to access the shops to use the vouchers, especially in rural areas. Jules Oldham from Homeless Action Scotland said—

“We seem to be moving away from trust and giving people a whole host of problems instead. As we can see from the figures, not everybody actually uses their voucher, either as a result of stigmatisation or because it just does not work for them. They might not even have the money to get to the place where the voucher can be spent.”⁵⁷

137. CAS reported cases where applicants received vouchers by email or in the post. If applicants are in a crisis situation then they are not in a position to wait a few days for the post to arrive. There is also the assumption that a person has access to email. Vouchers may also cause particular concern to older people who are particularly protective and private about their finances.

138. There was a clear call for choice to be built into the system and efforts made to better understand the needs of individuals rather than simply providing what is already on offer or being able to fit an applicant into a particular ‘box’. John Shaw from CPAG said—

“We have heard worrying examples of those taking applications over the phone saying, “Our authority does food and clothing vouchers, but that’s not what you’re asking for.”⁵⁸

139. One practical suggestion was raised by the Committee highlighting the use of pre-paid cards in lieu of vouchers. For example the Accord card in Aberdeen which is already currently used by all school children to pay for their school meals.

140. The Minister acknowledged the concern over stigmatisation when using vouchers. She said—

“we will be looking at it again to ensure that there is absolutely no stigmatisation of people if local authorities decide to pay out by voucher and that there is a good reason for doing so.”⁵⁹

141. The Committee recognises the positive impacts that providing goods in kind can have. Particularly in terms of bulk buying, allowing the fund to go further and help more people. Also the positive role it can have in stimulating local jobs and social enterprises in the provision of those goods.

142. However, it is also aware how important choice is to maintain a level of dignity, self-determination and reduce stigma. Treating applicants with respect, despite their circumstances, is essential. Cash payments can also be particularly useful to those in rural areas.

143. The Committee is aware that local authorities have discretion on how the funds are paid out. However, it welcomes the Scottish Government assurance that it will be looking again at the issue of stigmatisation and choice. Providing options and meeting individual needs should be central to the Fund's process.

Processing times

144. In the interim Scottish Welfare Fund scheme local authorities have 48 hours in which to process a claim. However, in the previous DWP administered fund that deadline was 24 hours. Users of the fund stated that they wished the fund to pay a grant as soon as possible. Lana said—

“I think that the limit should be changed back to 24 hours, if not a bit less, because, at the end of the day, you can be sitting with children for two to three days waiting for a decision.”⁶⁰

145. The Minister said—

“I think that the majority of local authorities and teams work to a one-day deadline if all the information is there. The evidence suggests that 67 or 68 per cent of all grants are paid out on the same day. You are absolutely right that if people are in crisis they should expect money as soon as possible. There is no presumption of a two-day deadline; the presumption is to get things done as quickly as possible, if all the information that local authorities require to make the decision is there.”⁶¹

146. The intention to work as quickly as possible was backed up by local authorities. However, it was noted that the Scottish Welfare Fund encourages a more holistic way of working which may impact on time constraints. Councillor Norman MacDonald from Comhairle nan Eilean Siar said—

“The intention is certainly to award the grant as soon as possible, but with the onus on joint working and dealing with the issues in a collaborative way, it is inevitable that the process will sometimes go into the second day. I do not necessarily think that that is a bad thing.”⁶²

147. When questioned on why the Scottish Welfare Fund has a two day target when the DWP scheme only had a one day target the Minister said that the DWP target only applied once sufficient information was received—

“At least when Scottish welfare fund teams handle claims, they are proactive in trying to get any missing piece of information. In many cases, they phone and get the information, and then the decision is made. The DWP's 24-hour deadline for decisions applied only once all the information was there. Sometimes such a decision could take three weeks because the DWP said that it did not have all the information. I am simply saying that

that is not happening now. We are trying to get those decisions taken as quickly as possible. We and local authorities are working to a same-day deadline. Going forward, 48 hours is the maximum that we are looking at.”⁶³

148. However, the issue for some third sector organisations was not the deadline itself but how it applies over the weekend. Scott Robertson from Quarriers said—

” “Our concern is not the difference between one day and two days, but the fact that an application that is made on a Friday or a Thursday evening may not be processed until late on Monday. The situation is a crisis by definition, but it takes perhaps four or five days for help to be given.”⁶⁴

149. The Committee views Crisis Grants as an essential part of the safety net provided to vulnerable people. It is essential that local authorities work as quickly as possible to deliver grants to applicants and keep them informed of the process.

150. The Committee notes the Ministers assurance that the Scottish Government and local authorities are working to a same-day deadline and that 48 hours is the maximum time allowed.

Services for those that do not meet the fund criteria

151. Councillor MacDonald noted that his local authority would like some kind of loan scheme for people who do not meet the criteria for the community care grant or the DWP budgeting loan, either because they are single adults or because they do not experience exceptional pressures. The Committee invited in representatives from COSLA and non-traditional banking to address this line of inquiry.

152. All witnesses were clear that there was no room for loans within the Scottish Welfare Fund. COSLA reported that it had worked hard to rebrand the Scottish Welfare Fund and the grants it provides. To return back to loans would “muddy the waters” and sit uneasily with the role of being a corporate parent.

153. The Scottish League of Credit Unions was clear that the credit union movement was not the solution to this problem. Loans can only be extended if the customer has established existing savings with the union. There was a concern expressed that it was perceived as being a “poor man’s bank”⁶⁵. This was seen as damaging to credit unions long term sustainability. Low interest loans can only be extended to vulnerable customers if the union has a broad membership of savers from all walks of life who can service those loans. Dermot O Neil said—

” “It would be wrong to give the impression that credit unions can help in all circumstances; they can help only when the member has the capacity to self-help. That involves the capacity to save and, in the event of borrowing, the capacity to repay.”⁶⁶

154. The message coming from witnesses was that prevention was better than cure and that we need to work holistically to maximise income and prevent future crisis. Jackie Cropper from Grand Central Savings said—

” “We try to manage them out of their crisis, educate them and get them ready for a credit union. That is a success story for Grand Central Savings. We are not around to give out loans, and I hope that we are certainly not around to be here for ever.”⁶⁷

155. Nicola Dickie from COSLA suggested that there are other funds across local authorities which can be used for those who fall outside the criteria for the fund. For example, working with housing or homelessness colleagues to access discretionary housing payments and tenancy sustainment programmes. She also highlighted the work on-going with the reuse sector to allow customers to access alternative furnishings cheaply instead of using pay day lenders to buy brand new furniture.

156. The Committee is of the view that loans have no place within the Scottish Welfare Fund. It is of course up to local authorities to make their own arrangements surrounding loans if they wish.

157. The Committee recommends that the Scottish Government further explore what options are available for those who are in need but do not qualify for the fund. This includes the good practice put forward by COSLA and organisations such as Grand Central Savings. The results of this exploration should be disseminated across all local authorities.

158. The Committee recognises that credit unions may not be the solution for the short term crisis related to Scottish Welfare Fund applications. However, it also acknowledges that credit unions and creating the saving habit may be a good way to provide greater stability and help prevent crisis in the future.

159. As such the committee recommends that local authorities build on current good practice so that all Scottish Welfare Fund users and all people going into new social tenancies are informed about the credit union services available in their area.

Equalities

Vulnerabilities not being recorded

160. There is a concern, expressed in written evidence, that some local authorities are not properly recording vulnerabilities. For example, one submission stated that only 23 authorities have provided any data on vulnerabilities and raised questions about the accountability and transparency of the fund. In some cases submissions noted that gaps may be due to software failures where the system only allows recording of one vulnerability or recording default rather than actual responses.
161. Although the Committee is clear that it does not support lengthy application forms it feels that it is important for people's circumstances to be accurately reflected. In particular disabled people will experience multiple vulnerabilities and failure to record and consider these appropriately may risk these applications not been given sufficient priority.

People with Disabilities

162. It was noted that disabled people are more likely to apply to the fund as the welfare reforms have a significant impact on this group. As such, it was seen as essential that the fund is made fully accessible and that those with disabilities are not disadvantaged by the application form or decision-making process.
163. Third sector organisations called for all decisions to be followed up in a written letter rather than on the phone. Those with sensory or learning disabilities are not able to take down decisions made over the telephone. A verbal confirmation is also not helpful should a decision need to be challenged.

Race

164. The Scottish Refugee Council also reported problems with software in its submission. It noted that software will not allow an application to continue without a national insurance number. This is an issue for migrant groups, refugees or those with indefinite leave to remain. It was argued that refugees have a number of additional barriers to accessing the fund and there is a need for specific guidance on refugees and other migrants.

Older people

165. It was noted that the fund has a low level of applications from older people who may be in need raising concern about how the fund is linked to other policies and supports.

Gender

166. It was argued also that the unequal gender impact of welfare reform and women's particular support needs are not reflected in the Scottish Welfare Fund. There was a call for training on gender equality issues and awareness raising of the barriers women may face when trying to access the fund.

167. The Committee recommends that the Scottish Government address any limitations with the software that may impact negatively on any particular Scottish Welfare Fund user group. It would also encourage all local authorities to provide regular and accurate data on vulnerabilities to the Scottish Government.

168. The Committee recommends that the Scottish Government look again at the current training available on the vulnerabilities or protected characteristics that Scottish Welfare Fund users may have. If necessary working with local authorities to put in place additional information or support to fill any current gaps in provision. It also recommends that any award decision be followed up in writing.

¹ Scottish Parliament Welfare Reform Committee. *Official Report, 7 October 2014, Col 5*

² Scottish Parliament Welfare Reform Committee. *Official Report, 30 September 2014, Col 18*

³ Scottish Parliament Welfare Reform Committee. *Official Report, 30 September 2014, Col 4*

⁴ Scottish Parliament Welfare Reform Committee. *Official Report, 30 September 2014, Col 6*

⁵ Scottish Parliament Welfare Reform Committee. *Official Report, 7 October 2014, Col 43*

⁶ Scottish Parliament Welfare Reform Committee. *Official Report, 28 October 2014, Col 14*

⁷ Scottish Parliament Welfare Reform Committee. *Official Report, 30 September 2014, Col 13*

⁸ Scottish Parliament Welfare Reform Committee. *Official Report, 30 September 2014, Col 16*

⁹ Scottish Parliament Welfare Reform Committee. *Official Report, 7 October 2014, Col 19*

Welfare Reform Committee

Stage 1 report on the Welfare Funds (Scotland) Bill, 7th Report, Session 4, (2014)

- ¹⁰ Scottish Parliament Welfare Reform Committee. *Official Report, 7 October 2014, Col 19*
- ¹¹ Scottish Parliament Welfare Reform Committee. *Official Report 7 October 2014, Col39*
- ¹² Scottish Parliament Welfare Reform Committee. *Official Report 4 November 2014, Col 41*
- ¹³ Scottish Parliament Welfare Reform Committee. *Official Report 7 October 2014, Col 41*
- ¹⁴ Scottish Parliament Welfare Reform Committee. *Official Report, 28 October 2014, Col 17*
- ¹⁵ Scottish Parliament Welfare Reform Committee. *Official Report, 4 November 2014, Col 25*
- ¹⁶ Highland Council, Written Submission, Welfare Reform Committee
- ¹⁷ Scottish Parliament Welfare Reform Committee. *Official Report, 7 October 2014, Col 13*
- ¹⁸ Scottish Parliament Welfare Reform Committee. *Official Report 7 October 2014, Col 13*
- ¹⁹ Scottish Parliament Welfare Reform Committee. *Official Report 7 October 2014, Col 29*
- ²⁰ Scottish Parliament Welfare Reform Committee. *Official Report 7 October 2014, Col 29*
- ²¹ Scottish Parliament Welfare Reform Committee. *Official Report 7 October 2014, Col 15*
- ²² Scottish Parliament Welfare Reform Committee. *Official Report 7 October 2014, Col 15*
- ²³ Scottish Parliament Welfare Reform Committee. *Official Report, 07 October 2014, Col 26*
- ²⁴ East Dunbartonshire, Written Evidence, Welfare Reform Committee
- ²⁵ Scottish Parliament Welfare Reform Committee. *Official Report, 30 September 2014, Col 20*
- ²⁶ COSLA, Written Submission, Finance Committee
- ²⁷ Scottish Parliament Welfare Reform Committee. *Official Report, 07 October 2014, Col 22*
- ²⁸ Scottish Parliament Welfare Reform Committee. *Official Report, 07 October 2014, Col 27*
- ²⁹ Poverty Alliance, Written Submission, Welfare Reform Committee
- ³⁰ Scottish Parliament Welfare Reform Committee. *Official Report 7 October 2014, Col 23*
- ³¹ Scottish Parliament Welfare Reform Committee. *Official Report 4 November 2014, Col 35*
- ³² Scottish Parliament Welfare Reform Committee. *Official Report, 07 October 2014, Col 42*
- ³³ Scottish Parliament Welfare Reform Committee. *Official Report 4 November 2014, Col 29*
- ³⁴ Scottish Parliament Welfare Reform Committee. *Official Report 4 November 2014, Col 23*
- ³⁵ Scottish Parliament Welfare Reform Committee. *Official Report 4 November 2014, Col 24*
- ³⁶ Scottish Parliament Welfare Reform Committee. *Official Report, 07 October 2014, Col 24*
- ³⁷ Scottish Parliament Welfare Reform Committee. *Official Report 4 November 2014, Col 26*
- ³⁸ Scottish Parliament Welfare Reform Committee. *Official Report, 28 October 2014, Col 18*
- ³⁹ Scottish Parliament Welfare Reform Committee. *Official Report, 30 September 2014, Col 17*
- ⁴⁰ Scottish Parliament Welfare Reform Committee. *Official Report, 28 October 2014, Col 29*
- ⁴¹ Scottish Parliament Welfare Reform Committee. *Official Report, 7 October 2014, Col 17*
- ⁴² Scottish Parliament Welfare Reform Committee. *Official Report, 28 October 2014, Col 5*
- ⁴³ Scottish Parliament Welfare Reform Committee. *Official Report, 28 October 2014, Col 10*
- ⁴⁴ Scottish Parliament Welfare Reform Committee. *Official Report 7 October 2014, Col 15*
- ⁴⁵ Scottish Parliament Welfare Reform Committee. *Official Report, 30 September 2014, Col 9*
- ⁴⁶ Scottish Parliament Welfare Reform Committee. *Official Report, 7 October 2014, Col 32*
- ⁴⁷ Scottish Parliament Welfare Reform Committee. *Official Report, 7 October 2014, Col 31*
- ⁴⁸ Scottish Parliament Welfare Reform Committee. *Official Report, 7 October 2014, Col 32*
- ⁴⁹ Scottish Parliament Welfare Reform Committee. *Official Report, 7 October 2014, Col 3*
- ⁵⁰ Scottish Parliament Welfare Reform Committee. *Official Report, 28 October 2014, Col 10*
- ⁵¹ Scottish Parliament Welfare Reform Committee. *Official Report, 4 November 2014, Col 42*
- ⁵² Scottish Parliament Welfare Reform Committee. *Official Report, 28 October 2014, Col 9*
- ⁵³ Scottish Parliament Welfare Reform Committee. *Official Report, 30 September 2014, Col 5*
- ⁵⁴ Scottish Parliament Welfare Reform Committee. *Official Report, 30 September 2014, Col 5*
- ⁵⁵ Scottish Parliament Welfare Reform Committee. *Official Report, 30 September 2014, Col 13*
- ⁵⁶ Scottish Parliament Welfare Reform Committee. *Official Report, 7 October 2014, Col 34*
- ⁵⁷ Scottish Parliament Welfare Reform Committee. *Official Report, 7 October 2014, Col 33*
- ⁵⁸ Scottish Parliament Welfare Reform Committee. *Official Report, 7 October 2014, Col 35*
- ⁵⁹ Scottish Parliament Welfare Reform Committee. *Official Report, 4 November 2014, Col 37*
- ⁶⁰ Scottish Parliament Welfare Reform Committee. *Official Report, 28 October 2014, Col 18*
- ⁶¹ Scottish Parliament Welfare Reform Committee. *Official Report, 4 November 2014, Col 39*
- ⁶² Scottish Parliament Welfare Reform Committee. *Official Report, 30 September 2014, Col 11*
- ⁶³ Scottish Parliament Welfare Reform Committee. *Official Report, 4 November 2014, Col 40*
- ⁶⁴ Scottish Parliament Welfare Reform Committee. *Official Report, 7 October 2014, Col 4*
- ⁶⁵ Scottish Parliament Welfare Reform Committee. *Official Report, 28 October 2014, Col 22*
- ⁶⁶ Scottish Parliament Welfare Reform Committee. *Official Report, 28 October 2014, Col 24*
- ⁶⁷ Scottish Parliament Welfare Reform Committee. *Official Report, 28 October 2014, Col 24*

Consideration by other Committees

Delegated Powers and Law Reform Committee

169. The Delegated Powers and Law Reform Committee (DPLRC) is required to report on powers to make subordinate legislation in particular Bills or other proposed legislation.
170. The DPLRC report draws the attention of the lead Committee to a range of issues, in particular surrounding the review of decisions and commencement dates. It also included a letter, sent to the Scottish Government raising a number of queries. The DPLRC report is available on the Scottish Parliament Website. See Annexe A.

171. The Committee thanks the Delegated Powers and Law Reform Committee for its report and draws it to the attention of the Scottish Government.

Finance Committee

172. Scrutiny of the Financial Memorandum for the Bill was undertaken by the Finance Committee. Financial matters in relation to the Bill have been discussed earlier in this report. The Finance Committee's findings are set out in a report which is available on the Scottish Parliament website. See Annexe A.

173. The Committee thanks the Finance Committee for its report and draws it to the attention of the Scottish Government.

Annexe A: Reports from other Committees

Delegated Powers and Law Reform Committee

175. The Delegate Powers and Law Reform Committee report on the Welfare Funds (Scotland) Bill is available on the Scottish Parliament website using the following link:

 <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/82236.aspx>

Finance Committee

176. The Finance Committee report on the Welfare Funds (Scotland) Bill is available on the Scottish Parliament website using the following link:

 <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/83020.aspx>

Annexe B: Extract from minutes and oral evidence

10th Meeting 2014 (Session 4) Tuesday 24 June 2014

The Committee considered and agreed its work programme.

13th Meeting, 2014 (Session 4) Tuesday 30 September 2014

Welfare Funds (Scotland) Bill: The Committee took evidence, in a round-table discussion, on the Bill at Stage 1 from—

- Susan Donald, Benefits Manager, Aberdeenshire Council;
- Dave Berry, Head of Service (Finance, Contracts and Welfare Rights), Dundee City Council;
- Councillor Norman MacDonald, Convener of Comhairle nan Eilean Siar;
- Alastair MacArthur, Finance and Operations Manager, Renfrewshire Council;
- Helen McGreevy, Scottish Welfare Fund Co-ordinator, South Lanarkshire Council;
- Nicola Reid, Team Leader Benefit Operations and Scottish Welfare Fund, West Lothian Council.

14th Meeting, 2014 (Session 4) Tuesday 07 October 2014

Welfare Funds (Scotland) Bill: The Committee took evidence, in a round-table discussion, on the Bill at Stage 1 from—

- Derek Young, Policy Officer, Age Scotland;
- Mark Ballard, Head of Policy, Barnardo's Scotland;
- Marion Davis, Head of Policy & Research, One Parent Families Scotland;
- Scott Robertson, Operational Manager, Quarriers;
- Lynn Williams, Policy Officer, Scottish Council for Voluntary Organisations;
- Jon Shaw, Welfare Rights Worker, Child Poverty Action Group (CPAG) in Scotland;
- Beth Reid, Policy Officer, Citizens Advice Scotland;
- Jules Oldham, National Policy & Practice Coordinator, Homeless Action Scotland;
- Bill Scott, Director of Policy, Inclusion Scotland;
- Paolo Mazzoncini, Director of Operations East, Sacro;
- Duncan Dunlop, Chief Executive, Who Cares? Scotland.

Welfare Reform Committee

Stage 1 report on the Welfare Funds (Scotland) Bill, 7th Report, Session 4, (2014)

15th Meeting, 2014 (Session 4) Tuesday 28 October 2014

Welfare Funds (Scotland) Bill: The Committee took evidence on the Bill at Stage 1 from —

- Connor C. (Welfare Fund User)
- Laura D. (Welfare Fund User)
- Charlene Mc. (Welfare Fund User)
- Peter O. (Welfare Fund User)
- Lana W. (Welfare Fund User)
- Jackie Cropper, Managing Director, Grand Central Savings;
- Nicola Dickie, SWF Development Manager, COSLA;
- Dermot O'Neill, Chief Executive, Scottish League of Credit Unions.

16th Meeting, 2014 (Session 4) Tuesday 04 November 2014

Welfare Funds (Scotland) Bill: The Committee took evidence on the Bill at Stage 1 from—

- Karamjit Singh, Social Fund Commissioner for Northern Ireland;
- Jim Martin, Scottish Public Services Ombudsman, Niki Maclean, Director, and Paul McFadden, Head of complaints standards, Scottish Public Services Ombudsman;
- Margaret Burgess, Minister for Housing and Welfare, Stuart Foubister, Divisional Solicitor, and Callum Webster, Bill Team Leader, Scottish Government.

18th Meeting, 2014 (Session 4) Tuesday 18 November 2014

Stage 1 Welfare Funds (Scotland) Bill Report (in private):
The Committee considered a draft report.

19th Meeting, 2014 (Session 4) Tuesday 02 December 2014

Welfare Funds (Scotland) Bill (in private): The Committee agreed a draft Stage 1 report. One change was agreed by division.

In relation to the following section of the stage 1 report Kevin Stewart proposed that option 1 (paras 9-11) be accepted. The proposal was agreed to by division. For 5 (Christina McKelvie, Joan McAlpine, Kevin Stewart, Alex Johnstone and Clare Adamson), Against 2 (Ken Mackintosh and Michael McMahon).

Outsourcing the operation of the fund

9. The Committee acknowledges the benefits that may be drawn from local authorities working jointly to administer the fund. It also takes some comfort from the view of the Minister that the Scottish Government does not envisage the fund being outsourced to a private company.

10. However, in light of the evidence received the Committee recommends that the Scottish Government consider the issue of outsourcing in light of EU procurement laws and thresholds to ensure that private companies are not allowed to undertake the work.

11. The Committee would also suggest that the Scottish Government issue guidance to help steer local authorities through the outsourcing process and to provide consistency in approach.

12. Or








13. The Committee acknowledges the benefits that may be drawn from local authorities working jointly to administer the fund. It also takes some comfort from the view of the Minister that the Scottish Government does not envisage the fund being outsourced to a private company.

14. However, the Committee recommends that the Scottish Government removes the opportunity for local authorities to outsource to a third party and restrict the provision in the Bill to solely joint working with other local authorities.

15. The Committee would also suggest that the Scottish Government issue guidance to help steer local authorities through the joint working process and to provide consistency in approach.

Annexe C: Written evidence

-  [Aberdeenshire Council \(174KB pdf\)](#)
-  [Age Scotland \(145KB pdf\)](#)
-  [Argyll and Bute Council \(147KB pdf\)](#)
-  [Barnardos Scotland \(210KB pdf\)](#)
-  [Capability Scotland \(182KB pdf\)](#)
-  [Carers Trust Scotland \(153KB pdf\)](#)
-  [Child Poverty Action Group in Scotland \(246KB pdf\)](#)
-  [Citizens Advice Scotland \(92KB pdf\)](#)
-  [City of Edinburgh Council \(76KB pdf\)](#)
-  [Community Resources Network Scotland \(227KB pdf\)](#)
-  [COSLA \(147KB pdf\)](#)
-  [Crisis \(79KB pdf\)](#)
-  [Deafblind Scotland \(117KB pdf\)](#)
-  [Dundee City Council \(180KB pdf\)](#)
-  [East Ayrshire Council \(125KB pdf\)](#)
-  [East Dunbartonshire Council \(132KB pdf\)](#)
-  [ENABLE Scotland \(174KB pdf\)](#)
-  [Engender \(310KB pdf\)](#)
-  [Falkirk Council \(93KB pdf\)](#)
-  [Fife Council \(134KB pdf\)](#)
-  [Glasgow City Council \(120KB pdf\)](#)
-  [Health and Social Care Alliance Scotland \(the ALLIANCE\) \(164KB pdf\)](#)
-  [Highland Council \(150KB pdf\)](#)
-  [Homeless Action Scotland \(88KB pdf\)](#)
-  [Inclusion Scotland \(237KB pdf\)](#)
-  [Moray Council \(70KB pdf\)](#)
-  [NHS Dumfries and Galloway \(134KB pdf\)](#)
-  [North Lanarkshire Council \(186KB pdf\)](#)
-  [Office of the Social Fund Commissioner \(97KB pdf\)](#)
-  [One Parent Families Scotland \(276KB pdf\)](#)
-  [Perth and Kinross Council \(224KB pdf\)](#)
-  [Poverty Alliance \(272KB pdf\)](#)
-  [Quarriers \(133KB pdf\)](#)
-  [Renfrewshire Council \(132KB pdf\)](#)
-  [Scottish Borders Council \(147KB pdf\)](#)
-  [Scottish Campaign on Welfare Reform \(253KB pdf\)](#)
-  [Scottish Council for Voluntary Organisations - revised submission \(181KB pdf\)](#)
-  [Scottish Directors of Public Health \(6KB pdf\)](#)
-  [Scottish Disability Forum - Easy Read version \(379KB pdf\)](#)
-  [Scottish Disability Forum \(226KB pdf\)](#)
-  [Scottish Federation of Housing Associations \(152KB pdf\)](#)
-  [Scottish Independent Advocacy Alliance \(75KB pdf\)](#)

-  [Scottish Public Services Ombudsman \(25KB pdf\)](#)
-  [Scottish Refugee Council \(423KB pdf\)](#)
-  [Scottish Tribunals and Administrative Justice Advisory Committee \(217KB pdf\)](#)
-  [Shelter Scotland \(152KB pdf\)](#)
-  [South Lanarkshire Council \(145KB pdf\)](#)
-  [West Dunbartonshire Council \(91KB pdf\)](#)
-  [Who Cares? \(149KB pdf\)](#)

Annexe D: Oral witnesses

1. Minister for Housing and Welfare, Margaret Burgess;
2. Stuart Foubister, Legal Directorate, Scottish Government;
3. Calum Webster, Bill Team Leader, Scottish Government;
4. Susan Donald, Benefits Manager, Aberdeenshire Council;
5. Dave Berry, Head of Service (Finance, Contracts and Welfare Rights), Dundee City Council;
6. Councillor Norman MacDonald, Convener of, Comhairle nan Eilean Siar;
7. Alastair Macarthur, Finance and Operations Manager, Renfrewshire Council;
8. Helen McGreevy, Scottish Welfare Fund Co-ordinator, South Lanarkshire Council;
9. Nicola Reid, Team Leader Benefit Operations and Scottish Welfare Fund, West Lothian Council;
10. Derek Young, Policy Officer, Age Scotland;
11. Mark Ballard, Head of Policy, Barnardo's Scotland;
12. Marion Davis, Head of Policy & Research, One Parent Families Scotland;
13. Scott Robertson, Operational Manager, Quarriers;
14. Lynn Williams, Policy Officer, Scottish Council for Voluntary Organisations;
15. Jon Shaw, Welfare Rights Worker, Child Poverty Action Group (CPAG) in Scotland;
16. Beth Reid, Policy Officer, Citizens Advice Scotland;
17. Jules Oldham, National Policy & Practice Coordinator, Homeless Action Scotland;
18. Bill Scott, Director of Policy, Inclusion Scotland;
19. Paolo Mazzoncini, Director of Operations East, Sacro;
20. Duncan Dunlop, Chief Executive, Who Cares? Scotland;
21. Connor C. (Welfare Fund User);
22. Laura D. (Welfare Fund User);
23. Charlene Mc. (Welfare Fund User);
24. Peter O. (Welfare Fund User);
25. Lana W. (Welfare Fund User);
26. Jackie Cropper, Managing Director, Grand Central Savings;
27. Nicola Dickie, Scottish Welfare Fund Development Manager, COSLA;
28. Dermot O'Neill, Chief Executive, Scottish League of Credit Unions;
29. Karamjit Singh, Social Fund Commissioner for Northern Ireland;

30. Jim Martin, The Scottish Public Services Ombudsman, SPSO;

31. Niki Maclean, Director, SPSO; and

32. Paul McFadden, Head of complaints standards, SPSO;

