

Scottish Welfare Funds independent review process consultation: Response from Citizens Advice Scotland



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Introduction

Citizens Advice Scotland (CAS), our 61 member bureaux and the Citizen Advice Consumer helpline form Scotland's largest independent advice network. Advice provided by our service is free, independent, confidential, impartial and available to everyone. Our bureaux deliver frontline services through more than 200 service points across the country.

In 2014/15 our CAB network of dedicated staff helped nearly 274,000 people deal with over 900,000 advice issues. In this year, CAB recorded a financial gain for clients of over £120 million. Our online self-help website Adviceguide received nearly 5.4 million unique page views relating to advice and assistance.

CAB record the advice issues that clients present with when they seek advice. This gives the Scottish CAB service a unique insight into how policies, practices and processes are impacting on people in local communities across Scotland.

In 2014/15, Scottish bureaux dealt with 220,000 new issues relating to benefits, tax credits and national insurance, making up 37% of all issues brought to bureaux that year. This included 9,000 issues relating to the Scottish Welfare Fund (SWF) – a 60% increase on the previous year.

Of those 9,000 issues, approximately 500 related to issues concerning 1st or 2nd tier review (Table 1).

Table 1: Number of 1st tier and 2nd tier review issues 2014/15

	1 st tier review	2 nd tier review	Total
Crisis Grant	149	10	159
Community Care Grant	267	41	308
Total	416	51	467

Comments on the Draft Statement of Practice

We welcome the consultation on the Draft Statement of Practice. The SWF provides a crucial safety net for vulnerable individuals and families experiencing a crisis or who need support to live independently.

In making review decisions, the priority for the SPSO must be for applicants to get as quick a decision as possible to alleviate the urgency of their circumstances. Where decisions are not made quickly, this can often lead people unable to pay for basic living essentials including food and heating or having to rely on other forms of emergency support including food banks.

For people to have confidence in the SWF, decisions by both local authorities and the SPSO must be made as quickly as possible. If applicants experience delays in getting an initial or review decision, this could lead to negative perceptions of the SWF and/or the SPSO. Ultimately, vulnerable people may be reluctant to apply to the SWF for support or to challenge unfair decisions in the future.

Response to consultation questions

Question 2: Should there be any changes to the principles (either to add or remove any of the principles we have listed)?

CAS agrees with the principles listed. In particular, we welcome the inclusion of a principle of independence. For applicants to have confidence in SPSO review decisions, it is important that its independence from local authorities is emphasised.

Question 6: Relating specifically to Section D (Application for review by someone other than the applicant), do you agree with the general approach to obtaining consent?

CAS agrees with the approach taken in Section D. Many of our clients would be unable to request a review without advice and support. For CAB to be able to provide this support effectively, it is important that they are able to act on a client's behalf and that this does not delay the decision-making process.

Question 7: Do you have any comments on the additional matters about consent in the notes to Section D?

In terms of obtaining consent, there must be sufficient flexibility to ensure that applicants can be supported to request a review but at the same time receive a timely decision. All the options listed in the notes should be set out in internal guidance. In particular, the option to start the process of review before a copy of written consent is received should be used to ensure that applicants receiving support are not disadvantaged as a result. Further, it is important that guidance and training is given to SPSO staff so that they are confident in obtaining consent in different forms, particularly where written consent would be difficult.

Once consent has been obtained, the person acting on behalf of the applicant should be kept informed of the progress of the review and any decision. We have seen in other areas where a CAB adviser has consent to act on a person's behalf, decision letters only being sent to the client or the client being telephoned when they do not have the support of an adviser. This can lead to a number of problems including distress and confusion for clients about any decision that has been made.

Question 8. Do you have any comments on the proposed approach to evidence (Section E)?

The evidence required to make a decision must be realistic, proportionate and take into account the individual circumstances in each case. For applicants requesting a review, getting a quick decision will often be a priority. Requests for information should be clearly explained to the applicant or the person acting on their behalf, and should not be unduly onerous.

Question 10. If anyone refuses to be interviewed or to allow a visit, we say that we may take a negative inference from this (Section G). What do you think about this?

CAS does not think that drawing a negative inference should be the default result if an applicant refuses to be interviewed or allow a visit. Applicants to the SWF are often some of the most vulnerable members of our society and may have a range of complex needs which would mean that they refuse an interview or visit. In such circumstances, it would be inappropriate to draw a negative inference. If an interview or visit is requested, then the applicant must be offered appropriate independent advice and support.

Question 15: We have set out the timescales we intend to work to (Section N). What do you think about these?

The urgent nature of many applications to the SWF means that the speed of review decisions is vital. This is particularly the case for crisis grants, where by definition the applicant will be experiencing crisis and in need of immediate support. CAS welcomes the clear timescales set out in the Draft Statement of Practice. We would emphasise, however, that the crucial factor will be when the SPSO determines it has “all the information required to make a decision”. Review decisions should not be unduly delayed by unreasonable or disproportionate expectations of the amount of information required before a decision is made.

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