

# **West Dunbartonshire Council**

## **Scottish Welfare Fund (SWF) Policy**

**March 2013**

## Contents

1.0	Introduction .....	1
2.0	Legislation .....	1
3.0	The Role of Revenues & Benefits Section .....	2
4.0	Financial Management Approach .....	2
5.0	Purpose of Scottish Welfare Fund .....	2
6.0	Eligibility criteria for Scottish Welfare Fund .....	3
7.0	Sanctions and Disallowances .....	4
8.0	Exclusions for Crisis Grants.....	4
9.0	Exclusions for Community Care Grants .....	5
10.0	Exclusions for Both Crisis Grants and Community Care Grants .....	5
11.0	Stages for awarding SWF Grant.....	6
12.0	Circumstances for awarding Crisis Grants.....	8
13.0	Circumstances for awarding Community Care Grants .....	10
14.0	What support will be provided.....	13
15.0	Application and award process.....	15
16.0	Reviews.....	19
17.0	Quality Assurance and Improvement.....	23
18.0	Local Authority Complaints Procedure.....	23
19.0	Our Holistic Approach for Administering SWF Grants .....	23
20.0	Monitoring and Evaluation .....	24
	Appendix 1 .....	25
	Appendix 2.....	26

## **1.0 Introduction**

- 1.1 West Dunbartonshire Council (WDC), as part of the agreement between Scottish Government and COSLA, will take on delivery of the Scottish Welfare Fund (SWF) from 1 April 2013 on an interim basis.
- 1.2 The SWF is a discretionary scheme. The guidance and our policy cannot cover all eventualities. It is intended to provide a framework for decision makers to promote consistency in decision making. Decision makers will use their discretion to ensure that the underlying objectives of the fund are met. The absence of guidance on a particular situation does not necessarily mean that a grant should be agreed or refused.
- 1.3 The regulations give a very broad discretion, however all decisions must be made fairly, reasonably and consistently. Each case must be decided on its own merits and decision making must be consistent throughout the year.

## **2.0 Legislation**

- 2.1 The regulations covering the SWF are "THE SCOTTISH WELFARE FUND GUIDANCE" referred to in this policy as "the guidance".
- 2.2 This policy has been written following legislation and guidance issued by the Scottish Government under Section 21 of the Local Government in Scotland Act 2003 in relation to the Power to Advance Wellbeing provided at section 20 of that Act. The guidance acts as a summary of the aims and general operation of the Scottish Welfare Fund and this policy has been designed to expand on this guidance on how the scheme will operate in West Dunbartonshire Council (WDC).
- 2.3 Funding for provision of successor arrangements to Crisis Loans for living expenses and Community Care Grants has transferred from DWP to the Scottish Government and in that respect WDC, along with other Local Authorities, has received funding (based on a formula) to deliver this scheme. The regulated Social Fund (Sure Start maternity grants, funeral payments, winter fuel payments and cold weather payments) will remain the responsibility of DWP. Furthermore, a new advance of benefits facility which will replace budgeting loans, alignment Crisis Loans and interim payments will be administered by the DWP.
- 2.4 The guidance states that the scheme will be in place for a period of around two years from 1 April 2013.

### **3.0 The Role of Revenues & Benefits Section**

- 3.1 The SWF fund is administered within the Revenues & Benefits Section by a newly formed SWF team. This team will also administer DHP applications and awards and the administration of free school meals & clothing grants.
- 3.2 The national Scottish Welfare Fund has been allocated to Local Authorities according to a funding formula that has been agreed by the Joint Settlement & Distribution Group and determined by COSLA Leaders. It is based on historic spend patterns in relation to the interim scheme with a move towards a more appropriate needs based allocation for the permanent arrangements.

### **4.0 Financial Management Approach**

- 4.1 The Scottish Welfare Fund budgets are ring fenced so they cannot be spent on anything else. We have established two separate funds for: Crisis Grants; and Community Care Grants. We can move money between these two funds if required.
- 4.2 The available funding will be phased on a monthly basis to allow monitoring of how much is spent against funding availability. We will not suspend the award of Crisis Grants or the Community Care Grants if money is available in the budget. The funding available to the Council from the Scottish Government is a fixed pot and should funding run out before the end of the financial year, under the Scottish Government guidance the Council is not required to make any payments for Scottish Welfare Fund. Any underspend at the end of the year will be carried forward to the subsequent year.
- 4.3 On a month to month basis we will assess the demand pattern of actual activity against budget profile throughout the financial year and make a monthly decision on whether it is possible to make awards for: high priority applications only; high and medium; or high, medium and low.

### **5.0 Purpose of Scottish Welfare Fund**

- 5.1 The SFW is intended to offer grants or in kind support for two purposes.
- 5.2 Crisis Grants (CG) - A grant can be awarded in case of crisis to meet expenses that have arisen as a result of an emergency or disaster in order to avoid serious damage or serious risk to the health or safety of the applicant or their family.
- 5.3 Community Care Grants (CCG) – A grant can be awarded in support of independent living to:
  - help people establish themselves in the community following a period of care where circumstances indicate that there is an identifiable risk of the person not being able to live independently without this help,

- help people remain in the community rather than going into care where circumstances indicate that there is an identifiable risk of the person not being able to live independently without this help,
- help people set up home in the community, as part of a planned resettlement programme, following an unsettled way of life,
- help families facing exceptional pressures and who lack the resources to meet irregular costs to provide a safe and secure environment for their children,
- help people to care for a prisoner or young offender on release on temporary licence.

5.4 The grants should be available to people who do not have alternative means of paying for what they need. They do not need to be paid back. Grants are intended to meet one-off needs rather than on-going expenses.

## 6.0 Eligibility criteria for Scottish Welfare Fund

6.1 To be eligible for a **Crisis Grant** applicants should be aged 16 or over and should normally be entitled to:

- Income Support,
- Jobseeker's Allowance (income based);
- Employment and Support Allowance (income related);
- Savings Pension Credit,
- Guaranteed Pension Credit; or
- payment on account of one of them.

6.2 There is no qualifying period for receipt of these benefits. The applicant is assessed as an individual but information for the partner and other members of the family is collected, for example in relation to income, health issues and other problems, to inform prioritisation.

6.3 The key test of eligibility for a crisis grant is the severity of the applicant's situation and the likely impact on them and their family. If an applicant is not in receipt of qualifying benefits but we are satisfied that the applicant does not have any other means of support and that an award would avoid serious damage or serious risk to the health or safety of the applicant or their family, we may make an exception to the requirement for qualifying benefits. Examples of cases where an applicant might not be in receipt of qualifying benefits but an award might be considered might be:

- The applicant is fleeing domestic abuse and needs immediate help;
- The applicant is a grandparent or other relative who is in work but has taken on care of a child/children and a transfer of the benefits in respect of the children is pending; or
- The applicant has received the outcome of a fit for work assessment for Employment Support Allowance and is not in receipt of benefits while they consider an appeal.

6.4 To be eligible for a **Community Care Grant** applicants must be aged 16 or over and entitled to:

- Income Support,
- Jobseeker's Allowance (income based);
- Employment and Support Allowance (income related);
- Savings Pension Credit,
- Guaranteed Pension Credit; or
- payment on account of one of them

6.5 If the applicant's circumstances suggest that they are likely to be in receipt of any of these benefits on leaving an institution or residential accommodation in which they have received support or care, we may make an exception to the requirement for qualifying benefits. Where this is the case and the applicant needs support to make a benefit claim, we will make a referral for support to do so.

6.6 Applicants may claim a Crisis Grant and a Community Care Grant at the same time if their circumstances make this necessary, for example a person who has left home because of violence and is in need of immediate support and longer term help to set up home.

## **7.0 Sanctions and Disallowances**

7.1 Crisis Grants and Community Care grants should not undermine DWP sanctions and disallowances. If an applicant is subject to a disallowance or a sanction by the DWP, and their benefit is reduced as a result, a Crisis Grant should only be awarded to meet expenses which are the consequence of a disaster or the cost of food for their children. The applicant may be able to get a hardship payment from the DWP.

## **8.0 Exclusions for Crisis Grants**

8.1 The number of awards that any person can receive should normally be limited to three in any rolling 12 month period across all Local Authorities i.e. if an application has received a Crisis Grant from a Local Authority and subsequently moves to another, they are only eligible for a further 2 grants from the new Local Authority. We are not required to make a decision on any applications received following the 3rd award i.e. we are not required to consider the application beyond stage 1 outlined at 11.2 below.

8.2 We may use our discretion to allow more than three awards in exceptional circumstances where the applicant can evidence no fault on their part. In these cases, we will ask for additional evidence and/or support the applicant to identify and address any underlying problems which are resulting in repeated crisis.

## **9.0 Exclusions for Community Care Grants**

- 9.1 We will not make a decision on an application for a Community Care Grant if the applicant is:
- resident in a care home, unless there are plans for discharge within 8 weeks;
  - a hospital in-patient unless there are plans for discharge within 8 weeks;
  - lawfully detained unless there are plans for release within 8 weeks, or a release on temporary licence; or
  - a member of a religious order who is being fully maintained by it.
- 9.2 The length of time the applicant has received care should normally either be:
- a period of three months or more; or
  - a pattern of frequent or regular admission to institutional or residential care clearly linked to the nature of the applicant's disability or circumstances.
- 9.3 In the case of prisoners, the minimum period served in civil custody (rather than sentence) should be three months.

## **10.0 Exclusions for Both Crisis Grants and Community Care Grants**

- 10.1 We will not make an award or decision beyond stage 1 outlined at 11.2 below if a person has applied for a Community Care Grant or a Crisis Grant for the same items or services within the last 28 days for which an award has been made or refused unless there has been a relevant change of circumstances in one of the determining factors used in making the previous decision.
- 10.2 We will not refuse Crisis or Community Care Grants on the basis that the applicant has outstanding debts to WDC. Any grant made to the individual will not be used to pay outstanding debt.
- 10.3 We will not award a Scottish Community Care Grant for the range of excluded needs set out at Appendix 1.

### **If the applicant has any savings or capital**

- 10.4 A Crisis Grant will not be awarded if the applicant can access other resources to tide them over the crisis.
- 10.5 A Community Care Grant should not be awarded if the applicant or their partner has savings of over £700 if they are below pension age or £1200 if the applicant is above pension age.
- 10.6 The main examples of capital to be taken in to account, though not an exhaustive list, are:
- Current accounts;
  - Savings accounts;

- National savings certificates;
- Fixed term investments;
- Endowment policies which are not held as security over property;
- Friendly society or other deposit accounts;
- Trust funds; and
- Property other than the applicant's home.

10.7 We will disregard the following capital assets:

- business assets;
- rights in schemes such as pension schemes, life insurance and funeral plans;
- amounts earmarked for special purposes such as essential repairs to property or money set aside by parents or carers for identified future care needs of a disabled child;
- payments made for arrears of, or compensation for late payment of, social security benefits;
- Payments made for expenses relating to supporting children, for example child maintenance; and
- A recent grant made by any organisation for a specific purpose or purchase relating to a disabled child or person.

10.8 We will disregard other benefit income for the purposes of calculating savings for a Community Care Grant application if they are earmarked for a specific purpose, for example living expenses. Types of income that we will disregard in identifying available income are at Appendix 2.

### **Where capital is not immediately releasable**

10.9 If an applicant is without a regular income but has capital assets of over £16,000, they will be expected to raise money against those assets. If they are unable to release or raise money on the assets immediately but are able to demonstrate that they are taking steps to do so, we may consider a Crisis Grant in the interim.

### **11.0 Stages for awarding SWF Grant**

11.1 Crisis Grants and Community Care Grants can cover a wide range of personal circumstances. Whether a grant can be awarded will depend on four separate stages, described as follows.

11.2 Stage 1 – as part of the Initial eligibility checks we will:

- Verify identity and that the home address or the address the applicant intends to live at is in the West Dunbartonshire Council;
- Check whether the applicant is in receipt of one of the qualifying benefits;
- Determine whether it is appropriate to make an exception to qualifying benefits (CCG and CG);



- Check that the applicant or their partner does not have savings or capital or some other source of help that they could use instead;
- Check that the application is not excluded because it is for an excluded item;
- Check that the application is not excluded because the application history precludes a repeat application, including in another Local Authority area. This includes checking that there has not been a change in circumstances since the last application; and
- Check that the application is not excluded for any other reason.

11.3 Stage 2 – to ensure the applicant meets the requirements of the grant we will:

- Gather evidence to check whether the applicant's personal circumstances meet the conditions for the grants, set out below in Sections 12 and 13;
- Check whether there is more appropriate support available to meet this need for example through other WDC services; and
- Check whether other services have already undertaken any assessments which might inform the decision making process.

11.4 Stage 3 - Whether, taking all the facts in to account, the applicant's needs are of sufficient priority to warrant a payment from available funds. Each application will be considered on its own merits and will be prioritised:

- First according to the nature, extent, severity and urgency of the need and the impact that an award would have on the circumstances of the applicant.
- Second according to the vulnerability of the applicant and the likely consequences of refusal. Some examples of vulnerabilities which would give an application higher priority is provided in the guidance, which is not an exhaustive list and should not be used rigidly as a prioritisation framework. Reasons for vulnerability may be specific to the individual and may change over time. If there are multiple reasons for considering a person to be vulnerable, they would be given a higher priority.

11.5 The application will be given one of three priority ratings:

- **high priority** will be given to an application if the nature of the applicant's need is judged to be immediate and severe, they are judged to be highly vulnerable, an award for the item or money requested will have a substantial or immediate sustained effect in resolving or improving the health and wellbeing of them or their family and there will be significant adverse consequences if the item or money is not provided;
- **medium priority** will be given to an application if the nature of the applicant's need is judged to be less immediate or severe, they are judged to be moderately vulnerable, an award for the item requested will have a noticeable effect, although not substantial or immediate, in resolving or improving the

health and wellbeing of the applicant and there will be moderate adverse consequences if the item or money is not provided; and

- **low priority** will be given to an application if the nature of the applicants need is not judged to be time critical, they are judged to have a degree of personal resilience, an award for the item requested will have only a minor effect in resolving or improving the applicant's health and wellbeing and there will not be identifiable adverse consequences if the item or money is not provided.

11.6 If the decision is to make an award, it may be for all or part of what has been applied for and may be an award of goods or a grant.

11.7 Stage 4 - Finally, we will check the level of priority that WDC is paying out on that month to pay a grant.

## **12.0 Circumstances for awarding Crisis Grants**

12.1 A grant can be awarded in case of crisis to meet expenses that have arisen as a result of an emergency or disaster in order to avoid serious damage or serious risk to the health or safety of the applicant or their family.

12.2 A person can apply for a grant to cover:

- immediate short-term living expenses needed until their next income is due because of an emergency; or
- living expenses or items where the need for them has arisen because of a disaster.

12.3 If the applicant does not have enough money to meet immediate short term needs and does not have access to any other source of support, for example via an authorised overdraft, a credit union loan or family help, we may signpost locally available sources of affordable credit, where available but there will not be an expectation that applicants should take high cost credit such as doorstep lending or payday loans to cover living expenses. We will query the amount applied for if it seems too much. If applicants are applying because of a crisis, we will make a judgement on how much money or which items the applicant needs to get through the crisis. Where the applicant is applying for items, we may offer either goods or grants.

12.4 The need must be current at the time of application, not an anticipated need. A short term need may be for an item which will have a long term use. For example, following a disaster, a family may need a cooker and pans which they will use on an ongoing basis.

## **What Constitutes an Emergency?**

- 12.5 An emergency is an unforeseen circumstance of pressing need which needs immediate action. The grant is to pay for expenses to get out of an emergency situation rather than costs from a past emergency which has now been resolved. How the emergency came about is not relevant, even if the applicant might be judged to have caused it or to have been able to avoid it. The same circumstances may constitute an emergency for one person and not for another because of their ability to cope with them. For example an able bodied young person may be able to manage in a situation where an older or disabled person could not.
- 12.6 The following are examples of what might be considered to be an emergency and for which a grant may be awarded:
- Where an unexpected expense has resulted in all the applicants benefit or income being spent, for example travelling to hospital to visit a sick child;
  - Where money has been lost or stolen and living expenses are required (in which case it should have been reported to the police);
  - There is, or has been, a breakdown of relationships within the family, perhaps involving domestic violence;
  - A person has nowhere to stay and may resort to rough sleeping; and
  - Being stranded away from home without any means to get back.

#### **What Constitutes a Disaster?**

- 12.7 Disasters are events of great or sudden misfortune. They will normally result in significant damage to, destruction or loss of, possessions or property. The following are examples, of what might be considered to be a disaster, and for which a grant may be awarded:
- a serious flood or fire, causing substantial damage; and
  - loss or destruction to possessions or property for example due to gas explosion or a chemical leak.
- 12.8 These are just examples and a grant will not be awarded in all of these cases. If a situation is not mentioned, it does not automatically mean that an applicant will not be helped.
- 12.9 The maximum amount that a person is awarded for living expenses will be in proportion to the benefit they receive:
- For applicants who are non-householders - 30 per cent of the Income Support personal allowance rate plus the full rate of the Income Support allowance rate for each dependent child on a pro rata basis for the number of days until their next benefit payment is due; and
  - For applicants who are liable for rent/mortgages etc or who are without accommodation - 60% per cent of the Income Support personal allowance rate plus the full rate of the Income Support allowance rate for each dependent child

on a pro rata basis for the number of days until their next benefit payment is due.

- 12.10 A child is 16 or under or aged 17-19 and still in full time education or included on their parent's benefit claim. We may use discretion to reduce the award where there is a very large family and the award seems out of proportion with likely living costs.

### **13.0 Circumstances for awarding Community Care Grants**

**A Community Care Grant award may be made to:**

**A: To help people establish themselves in the community following a period of care where circumstances indicate that there is an identifiable risk of the person not being able to live independently without this help.**

- 13.1 Applicants may be awarded a Community Care Grant if they are leaving accommodation in which they received significant and substantial care, supervision or protection and establishing themselves in the local community.

13.2 Examples of such accommodation, though not an exhaustive list, are:

- hospital or other medical establishment;
- care home;
- hostel or shelter;
- staff intensive sheltered housing;
- Local Authority care and foster care;
- prison or detention centre; and
- supported accommodation.

- 13.3 If an applicant is looking after someone and we agree that help with their expenses will help establish the person they care for in the community then they may also be awarded a Community Care Grant. For example, if they have to move home to look after someone in these circumstances, then they may be given help with things like removal expenses, travel costs or connection charges for gas and electricity. The applicant should be in receipt of qualifying benefits, but the person they are caring for need not.

- 13.4 Applicants can apply for a Community Care Grant if they are still in the accommodation providing care, if they expect to be in receipt of qualifying benefits or payment on account of one of them when they leave. They can apply up to 8 weeks before they are discharged, but we may defer payment of any grant awarded to help set up home until nearer the time of leaving care.

**B: To help people remain in the community rather than going into care where circumstances indicate that there is an identifiable risk of the person not being able to live independently without this help.**

13.5 Applicants may be awarded a Community Care Grant if this will help them to stay in the community rather than enter accommodation to receive care. We will consider:

- (1) how immediate is the likelihood of going into such accommodation; and
- (2) whether the type of item or service requested would prevent this happening.

Examples are:

- help with expenses to avoid becoming homeless or having to move out of their home in to temporary accommodation;
- help with expenses for improving a home to maintain living conditions, (except where the property is owned by a Local Authority or Social Landlord who maintains property on the tenant's behalf - see exclusion 6);
- enabling an applicant to move to care for someone, including travel expenses,
- enabling the applicant to move to more suitable accommodation, to prevent admission to care; and
- enabling someone to move nearer to someone who can offer them support, to prevent admission to care.

13.6 Applicants may be awarded a Community Care Grant if they are caring for someone and we agree that a payment to the carer will help the person they care for to remain in the community rather than entering accommodation to receive care.

13.7 For example, an applicant might need to move to be near, or to live with, the person who requires additional support and may be awarded removal expenses or travel costs. To be awarded a grant, an applicant should be entitled to qualifying benefits or payment on account of one of them, but the person they are caring for need not.

**C: To help people set up home in the community, as part of a planned resettlement programme, following an unsettled way of life.**

13.8 If an applicant is about to move into their own accommodation as part of a planned resettlement programme or following a period of homelessness, they may be awarded a Community Care Grant.

13.9 The grant may be given to help the applicant set up home in his or her own accommodation, for example, but not exclusively if they are:

- on a planned resettlement programme following an unsettled way of life, for example, they may have stayed in a hostel before they were on a resettlement programme;
- have a history of repeat homelessness and are now on a resettlement programme; and
- a young person leaving residential supported accommodation who is being supported to establish an independent tenancy.

**D: To help families facing exceptional pressures and who lack the resources to meet irregular costs to provide a safe and secure environment for their children.**

13.10 Applicants may be given a grant to meet needs that arise out of exceptional pressure due to a particular problem. Some examples of what might be judged to be exceptional pressure are:

- to meet the needs of a child where the need arises out of chronic illness, accident or disability;
- there has been a breakdown of relationships, perhaps including domestic violence, resulting in a move; and
- there is a serious problem with accommodation, for example structural problems, which is resulting in a move.

13.11 Decision makers will use their discretion to determine what constitutes a family including, for example, but not exclusively, lone parents, married and unmarried couples, lesbian and gay couples in or out of a civil partnership or kinship carers, as long as there are dependent children present. A child is 16 or under or aged 17-19 and still in full time education/included on their parent's benefit claim. Where the child is dependent on the applicant, they would usually be in receipt of child benefit for him or her but there may be situations where this is not the case. For example, child benefit may not be in pay if the applicant is a kinship carer or in cases of shared care where the other parent collects the benefit. A dependent child may be an unborn child, once the pregnancy has advanced to 24 weeks.

**E: To help people to care for a prisoner or young offender on release on temporary licence.**

13.12 Applicants may be awarded a Community Care Grant if someone is on temporary licence from prison or from a youth detention centre and is going to be staying with them. These payments will normally be towards their living expenses while they are staying. The applicant should be entitled to qualifying benefits or payment on account of one of them. While the person is staying with them to be eligible for a Community Care Grant, the person staying with them need not.

### **Travel Expenses**

13.13 There is no separate criterion for awarding grants for travel expenses. If we consider that a journey is essential in connection with a crisis or in support of independent living, we may make an award for travelling expenses under the criteria for Crisis and Community Care Grants. In these cases, awards will be for the standard rate public transport. Where public transport is not available or is not suitable for some reason, petrol costs or taxi costs may be awarded. We may award travel vouchers.

## **14.0 What support will be provided**

- 14.1 Applications for Crisis Grants can be made for living expenses or for essential items following a disaster. Awards may be in cash or in kind. Some examples of living expenses, in terms of specific items and services, are:
- Food;
  - essential heating costs;
  - nappies, toiletries;
  - travel costs; and
  - costs for accommodation in a hostel.
- 14.2 Where the application is for items, following a disaster, examples of items that might be awarded are the same as for Community Care Grants below. Rent in advance will not be available from the Scottish Welfare Fund. It may be met from Discretionary Housing Payments or by the individual applying for a Budgeting Loan.
- 14.3 Applications for Community Care Grants are for items and awards may be in cash or in kind. Awards for items will include delivery and installation or fitting fees. Some examples of items for which an award might be made are:
- furniture (like settee, armchair, carpets, curtains, wardrobe);
  - household equipment (like cooker, fridge, washing machine, bed, bedding, clothing);
  - travel costs;
  - removal expenses;
  - storage charges;
  - installation charges for cookers and washing machines; and
  - connection charges for gas and electricity.
- 14.4 If the customer is not available to accept delivery or made necessary arrangements, they could either arrange to collect the item in person or pay to have the item re-delivered.
- 14.5 We will determine whether a grant should be made as a Crisis or a Community Care Grant. If an applicant applies for one, we may decide to award the other if it is more appropriate to the applicant's circumstances.
- 14.6 We may make an award in principle, for example subject to the successful agreement of a tenancy, to be fulfilled at a later date. This is to allow applicants and their support workers to plan ahead in securing furniture.

### **Consistency in making awards**

- 14.7 We will use a standard list of prices to identify the costs of commonly applied for items, including a guideline amount for a starter pack for those setting up home. We will construct our own lists based on prevailing prices in the area and take into account varying costs of delivery. If the applicant demonstrates a need for a specialist product to meet their needs, for example where an item needs to be of a

specific type or be adapted, we will exercise discretion. For example: an award of a higher amount may be appropriate where a disabled person needs a cooker with special adaptations; the size of the family means that their needs will be better met by goods of a higher specification or delivery and/or fitting is included in the price and this would be cheaper than providing for these separately.

#### **Awards made: Goods or Grants**

- 14.8 We will decide what support will be given and the amount of any grant, with the aim of achieving best value for money and providing support to the maximum number of applicants. We have discretion on the type of support offered i.e. We can offer assistance in kind rather than cash in order to gain any economies of scale from bulk purchasing or re-use schemes etc. Applicants may be awarded money or another form of support, for example travel vouchers, fuel cards, furniture, white goods or retail vouchers for items.
- 14.9 In making these decisions, we need to balance the needs of the applicant against the money remaining in the budget. We will take into consideration:
- Balancing quality, cost and the projected life of the item to make sure that the decision represents best value;
  - The capacity of the applicant to travel to make purchases and the delivery costs associated with delivery of bulky goods;
  - What infrastructure we have in place to make bulk purchases and other local services available e.g. furniture re-use schemes;
  - The likely wear on the item and the effect of that on its life as this may have an impact on repeated claims. e.g. if a washing machine is going to have heavy use, a second hand machine may not last as long;
  - Any specific needs due to equalities considerations for example a need for adapted furniture because of a disability; and
  - Energy efficiency of the products being chosen – where possible, white goods should be A rated.
- 14.10 We may award food vouchers, however, these will only be awarded if this is the chosen option of the customer.
- 14.11 There is no minimum amount for a Crisis Grant or Community Care Grant.
- 14.12 We expect the applicant to take reasonable care of the items gained under the fund in order to give them the longest possible life. We may request proof of purchase to ensure that an award has been spent on the items for which it was intended. If we have evidence that an applicant is abusing the system, we may refuse to consider future applications.

#### **Charging items to the budget**



- 14.13 If we award goods rather than grants, the goods will be charged to the budget at their actual cost, the actual cost of any vouchers, or the cost to WDC at a reasonable market value for any second hand goods.

## **15.0 Application and award process**

- 15.1 The Scottish Welfare Fund will be administered by the Revenues and Benefits Section in Corporate Services. A new Welfare Fund team has been established who will administer the Scottish Welfare Fund, Discretionary Housing Payments, Free school meals and Clothing Grants.

### **Where to Apply**

- 15.2 Applicants should make an application to West Dunbartonshire Council unless that is impractical in an emergency, for example, the applicant is stranded away from home. If a person from outwith WDC seeks to make an application, we will refer them to their home Local Authority. Prisoners, young offenders or applicants leaving other institutions to set up a new home should apply to the Local Authority where they intend to reside rather than the one where the prison or institution is located. If an application is made for a Crisis Grant by someone not usually resident in WDC we have discretion to accept the application and consider an award.

### **Gathering Evidence and Demonstrating Proper Consideration**

- 15.3 Decision makers will clearly document the reasons for their decisions. Including how they have used or evaluated the evidence to decide on the eligibility and priority of the application. The Scottish Welfare Fund is a discretionary scheme. Decision makers do not have to follow the guidance but will document their reasons as part of their normal recording if they decide to depart from it, in case a review is requested.
- 15.4 Decision makers should make sure that they:
- have considered the SWF guidance and any local policies relating to it;
  - have followed any local processes relating to the processing of applications, for example in notifying the applicant of the outcome of an application;
  - base their decisions on accurate and up to date information;
  - have taken all the relevant information in to account and have not taken any irrelevant information in to account;
  - seek information to fill any gaps in evidence;
  - give the applicant an opportunity to make their case;
  - they have properly used their discretion to consider the case rather than following guidance or policy in an unquestioning way;
  - he/she makes a reasonable and fair decision, based on all the facts of the case, in keeping with the laws of natural justice; and
  - keep an open mind and focus on the need identified by the applicant and the overall objective of the Scottish Welfare Fund.

## **Appropriate, robust recording of decision and reasons**

- 15.5 The following will be recorded during the consideration of an application:
- What the applicant is applying for;
  - What the decision maker considered to be material facts;
  - What evidence was taken in to consideration in making the decision;
  - What evidence was gathered from third parties;
  - Any factors actively disregarded in making the decision and why;
  - What policy or guidance has been followed; and
  - How factors were weighed against each other to come to a decision. I.e. the reason why the application was accepted or rejected.
- 15.6 Decision making documentation will be retained for 6 years in addition to the current financial year. This will be made available if there is an application for review. Decision makers will also gather supporting documentation from applicants, for example a police report where the need arises because of a crime.
- 15.7 It should be possible to make a decision based on the information gathered in the application form. Further relevant information may need to be gathered if there is not enough information on the form or there is reason to clarify or question the information. If there is reason to doubt what is written on the application form, for example because of inconsistencies in the information given or the pattern of previous applications, the decision maker may need to gather additional information to decide whether, on the balance of probability, what is written on the application form is true. A decision maker may contact the applicant for more information or check with third parties such as social workers, landlords and doctors, subject to agreement from the applicant. Information given on the phone should be written up for inclusion in the record. Decision makers may also arrange a home visit to gather more information if they think it is necessary.
- 15.8 We will treat applicants fairly and openly.
- (1) Let applicants know what evidence they need to provide to support their application;
  - (2) Where evidence is counting against their application, they will be told what it is and have an opportunity to explain further;
  - (3) We will not ask for evidence which would cause an applicant to incur an unreasonable expense;
  - (4) We will not ask for evidence if it is not essential or if it is already evident that the application will not succeed even with that evidence in place;
  - (5) Make a decision based on the information given on an application if the applicant refuses to give further information; and  
Attempt to provide appropriate support if the decision maker forms the impression that the application is not properly completed or evidence is not being provided because of a chaotic lifestyle or other vulnerability.

## **Support for Applications**

- 15.9 Applications should be made by applicants themselves in order to promote individual responsibility but local advice agencies may provide support in the process. If an application is made on behalf of a person, by someone other than an appointee, that person should usually be required to give their consent on the application form to the application being made on their behalf. We may make an exception if this is an unreasonable demand on the applicant.
- 15.10 Depending on the nature of the case we may allow other agencies, support services or other services within WDC to apply on a claimant's behalf.

### **Delivery Channels**

- 15.11 Applications may be made by:
- completing our online claim form
  - phone by contacting us on 01389 737000. Assistance will also be provided to arrange a call-back where the applicant does not have sufficient funds to fulfil the call or have access to a phone. They can use a phone in the One-stop-shop; Dumbarton Housing Office and Clydebank Housing Office;
  - although not our preferred channel (due to the overhead of processing a paper form), completing a paper form and posting to us at West Dunbartonshire Council, Council Offices, Welfare Fund team, Garshake Road, Dumbarton G82 3PU or handing the form in at the one stop shop in Alexandria, Council Offices Rosebery Place or College Way, or Garshake Road;
  - If a Community Care Grant applicant requires help face-to-face to complete a claim they can visit the council offices at our One Stop Shop (Alexandria and subsequently others when they open in Dumbarton and Clydebank)

It should be noted that West Dunbartonshire Advice Partnership will continue to provide independent advice and support to residents accessing SWF via all delivery channels.

### **Supervised Spend**

- 15.12 In certain circumstances, decision makers may make awards on the basis that spending should be supervised by an appropriate agency. This may be appropriate where the applicant needs help with decision making or where there is evidence that previous awards have not been spent on the items intended.

### **Processing times**

- 15.13 Crisis Grants - we aim to process Crisis Grants as soon as possible and urgent applications for living expenses will be prioritised for payment. We aim to process a crisis grant application within three hours of receiving the application and any supporting evidence that is required. If this information is not available before 2pm

payment may not be received until the following working day. The maximum processing time for Crisis Grants should be two working days i.e. excluding weekends and bank holidays).

15.14 Community Care Grants should be processed within 15 working days (i.e. excluding weekends and bank holidays).

15.15 Processing times will be measured from the date of receiving a completed application including supporting evidence to the date the award is made.

### **Communicating the decision**

15.16 All applications will receive an official decision. The applicant will be notified of the decision in writing giving standard information on:

- the type of application and what was applied for;
- the date of the application;
- the result of the application and the priority given to it;
- why the decision was made;
- if successful, what has been awarded, cash, voucher or item;
- other possible sources of help; and
- how to ask for a review.

15.17 Crisis Grant decisions will be given as quickly as possible, by phone, if possible to ensure that the applicant knows the outcome. We will use text and email where possible to ensure that the applicant is receiving the message sent. Decisions given by phone will be followed up with an email or letter (should the applicant not have an email id). If an applicant has particular needs due to a disability or impairment, for example vision, cognitive or hearing impairments or a learning disability, we will make every effort to communicate the decision in a way that meets their needs. Unsuccessful applicants will also be told about the arrangements for seeking a review of their case. Where possible, alternative forms of support available locally should be suggested but only where there is some probability of success.

### **How grants will be paid**

15.18 For Crisis Grants the payment will be made via Paypoint. If a claimant has a mobile phone, a barcode will be sent by SMS to their phone which can be redeemed at any of the Paypoint locations. However if the claimant does not have a mobile phone the bar code will be emailed to them. Should they not have an email account, it will be emailed to the One-stop-shop (OSS) or one of the two Housing Offices where the claimant can go and collect the voucher within office hours. At both the OSS and the Housing office, the email will have to be collected at the reception. Required identification checks will be in place to support that. Whilst on launch of the scheme Paypoint is the only payment option for Crisis Grants, the SWF team

will continue to review where other appropriate payment methods become available.

15.19 Payment for Community Care Grants will depend on the nature of the grant. This could be via Scotland Excel, Vouchers, payment to bank account, etc.

### **Data Sharing**

15.20 We will validate the information that applicants have given by checking data provided by DWP and checking our Revenues and Benefits section. Personal information about individuals will be held in confidence. Information provided in connection with an application will not be passed on without the claimant's consent.

## **16.0 Reviews**

16.1 If an applicant is unhappy with the outcome of their SWF application they are able to seek a review of the decision. The review process for the Scottish Welfare Fund will seek to be :

- transparent, fair and accessible system;
- timely, recognising the circumstances of the applicant;
- of high quality, impartial, free to use and independent of the original decision maker;
- operate quickly, making sound and accurate decisions;
- communicate effectively; and
- be proportionate and cost effective.

16.2 The review process should also drive forward improvement and consistency in decision making and staff understanding, and inform local and national policy.

16.3 The applicant can ask for a review based on:

- insufficient information having been gathered during the application process to make a decision;
- the priority level allocated to their application was not appropriate/should have been higher;
- because they do not agree that the support they have been provided with is appropriate to their needs, for example they were awarded items and not money or they do not think that the money they were awarded was enough to buy what they need;
- because they do not agree with the decision on eligibility, for example due to repeat applications or receipt of qualifying benefits;
- because they do not want an award to be made for supervised spend; and
- if the application has been refused on the grounds that there is insufficient evidence, but the applicant considers that there was.

- 16.4 Review cannot be sought for the level of priority set for awards in that period – see financial management at section 4. A review cannot be requested where application has been rejected solely on the basis that the budget has been exhausted.

#### **New information or a change of circumstances**

- 16.5 Where new information becomes available that may have led the decision maker to make a different decision if he/she had been aware of it, we will act on that information as soon as possible. Similarly, if the circumstances of the applicant change so that the decision maker would make a different decision in the new situation, the decision should be re-taken as soon as possible. The decision maker should ensure that they have all the necessary information before reaching a decision. Receiving new information can sometimes prompt other questions. If a review decision has been correctly reached but significant changes occur after the review so that the applicant is facing a different situation, then the applicant should be advised to re-apply.

#### **First Tier Review**

- 16.6 If the applicant is unhappy with the decision, they may ask for a first tier review by WDC. The first tier review by us offers an opportunity to reconsider the original decision, based on a thorough look at the evidence and any new information. We will make arrangements for the case to be considered by a different decision maker, not involved in the original decision. The person carrying out the review will need to re-consider the merits of the case and determine whether the original decision was fair and reasonable. They may need to gather additional information or evidence to do this.

- 16.7 Applications for review will be:

- made within 20 working days of the original decision, though WDC may use its discretion to allow later applications;
- made in writing (through online forms, email, or letter) and explain the reason for the application for review and the date of the decision being questioned;
- include an explanation if there has been a change of circumstances since the original application; and
- signed by the applicant (if sent online their digital id will be used as proof of authorisation). If made on behalf of the applicant, consent should usually be required from the applicant in writing unless this places unreasonable demands on the applicant, for example due to disability or other health issues, problems with literacy.

- 16.8 Reviews of Crisis Grant applications will be carried out as soon as possible, recognising the circumstances of the applicant. The maximum processing time for a first tier review of a Crisis Grant application should be two working days while the maximum processing time for a first tier review of a Community Care Grant application should be 15 working days. However we will endeavour to undertake this sooner.

- 16.9 We will notify applicants of the result of the review in writing (preferably email or letter if the applicant does not have an email account), giving reasons for the decision that was made. In urgent cases, the result will be given as soon as possible, by phone or text and followed up in writing according to the usual arrangements for notifying decisions.
- 16.10 The reviewing officer will feed back to the decision maker on the outcome of the review and any key points relevant to future decision making.

### **Second Tier Review**

- 16.11 The purpose of second tier review is to:
- ensure that the correct decisions are being made and the guidance for the fund is being followed;
  - identify whether the SWF guidance is being consistently applied and feed back to WDC and the Scottish Government where it is not;
  - identify where the SWF guidance is having unintended consequences and rectify this in the permanent arrangements, or sooner if necessary; and
  - give confidence to the applicant that the SWF is subject to impartial scrutiny and add credibility to the Fund as a whole.
- 16.12 Applications for review will be:
- made within 20 working days of the original decision, though WDC may use its discretion to allow later applications;
  - made in writing (through online forms, email, or letter) and explain the reason for the application for review and the date of the decision being questioned;
  - include an explanation if there has been a change of circumstances since the original application; and
  - signed by the applicant (if sent online their digital id will be used as proof of authorisation). If made on behalf of the applicant, consent should usually be required from the applicant in writing unless this places unreasonable demands on the applicant, for example due to disability or other health issues, problems with literacy.

### **Second Tier Review Process – Crisis & Community Care Grants**

- 16.13 Reviews for Crisis & Community Care Grants will be undertaken by a panel of people who do not work for the team which is responsible for making the original decision. For Community Care Grant reviews a minimum of two people outside the decision making team are required to be in attendance to constitute a panel. However for a Crisis Grant a case can be reviewed by an individual panel member rather than a full panel, in order to meet deadlines. A chair will be appointed at each hearing where there is more than one reviewer. A record of the meeting and the decision will be made. This will be done by a representative of the decision making team but

they will not form a part of the panel and do not have a role in the decision making process.

- 16.14 The panel will be drawn from a pool of people who work for WDC across a variety of teams. Panel members should be sufficiently distant from the SWF decision making team to make an impartial decision which does not take in to account any other considerations for the immediate administrative unit or the wider WDC. If a panel member has any involvement with the case in their normal work they will not be able to form part of the panel hearing the appeal.
- 16.15 The panel will meet regularly to meet our target processing times for second tier reviews detailed at 16.19 and 16.20 below. It is not anticipated that the applicant or representative will attend or present the case at a hearing.
- 16.16 The panel will review the whole case to determine whether:
- (a) there is an important error in the decision maker's decision and
  - (b) the decision is a fair one.
- 16.17 If the panel does not agree with the decision maker's decision it can overturn the decision and make a new decision. This may involve making an award where none has been made or a change in the nature or value of the award made. The panel will take into account all of the circumstances that existed at the time the decision was made, including the status of the SWF budget on the date the award was made. The panel cannot reduce or remove an award made at initial decision or first tier review.
- 16.18 In the event that there is a conflict of views between the panel members, where there is more than one panel member, which cannot be resolved through additional evidence, this will be decided by a majority vote, where there is an uneven number of members, or by the chair having the casting vote where there is an even number of members.
- 16.19 The maximum processing time for a second tier review of a Community Care Grant application should be 30 days from receiving the second tier review request. We aim to hear appeals within 15 working days.
- 16.20 The maximum processing time for a second tier review of a Crisis Grant should be five working days from receiving the second tier review request. We aim to hear appeals as soon as possible.
- 16.21 The applicant will be told of the date and time of the review panel and the information that will be provided to the panel. Where possible the applicant will be given a copy of the papers going to the panel.



16.22 Where the review is for a crisis grant, where possible, we will communicate by phone given the short timescales. We will ask the applicant for a phone number that can be used by the panel members if they need any clarification on any issues. We will give an applicant the opportunity to submit additional written evidence.

## **17.0 Quality Assurance and Improvement**

17.1 Information on first and second tier review will be a valuable source of information on where improvements need to be made in the guidance for the delivery of the SWF. This will inform the transition to permanent arrangements as well as provide an opportunity for learning and improvement in decision making in the short term. This function will be particularly important at the inception of the SWF as decision makers build their knowledge of the guidance and a library of case studies is developed. The Scottish Government (SG) will take on this function for the period of the interim arrangements. SG will use reporting on reviews, discussions with WDC decision makers and review officers and sampling of review paperwork to inform the quality improvement function. The data requirements for reporting on reviews are included in the data set outlined under Section 12 on monitoring and evaluation and include the number and outcome of reviews and the reasons for applicant's requests.

## **18.0 Local Authority Complaints Procedure**

18.1 If the applicant accepts the decision on their application but feel they were treated badly or have other complaints about customer service or other matters that can't be dealt with through the review process, they should make a complaint through the WDC complaints process.

## **19.0 Our Holistic Approach for Administering SWF Grants**

19.1 It is not intended that Crisis and Community Care Grants should duplicate any other provision. In particular, grants should not be substituted for support provided under established community care arrangements. We will consider how the grants fit with existing social work services (including crisis payments made under section 12 of the Social Work (Scotland) Act 1968), housing services, support provided by registered social landlords and other provision, for example for young people leaving care or taking up a tenancy after a period of homelessness, to ensure that the support provided is complementary. We will make links to other relevant support services including the Advice Services Partnership CAB, IRC and WDC Advice Service; credit unions and relevant third sector organisations, in order to connect with services and support they provide

19.2 We will work with other agencies to establish links to other relevant services for applicants which may build their capacity in the longer term. We will work on building a referral and signposting service to appropriate agencies to help the claimant access:

- Financial advice (including budgeting, financial education, debt advice, ways of saving money);
- Support to maximise income (including benefits advice and support in applying for benefits);
- Support for housing and tenancy issues;
- Support for social/personal issues;
- Signposting to other services and other information (including information about fuel efficiency, loft insulation, safer homes, the value of home contents insurance etc.); and
- Mediation and advocacy support “Resilience” support (including befriending, building local networks, education training and employability support).

## **20.0 Monitoring and Evaluation**

- 20.1 Our intention is to learn from the operation of the Scottish Welfare Fund to inform the permanent arrangements which will be set out in legislation. In particular, the interim scheme gives the Scottish Government and WDC a good opportunity to gather information about who is applying for grants and to seek to understand any patterns in decision making which may relate to the guidance, eligibility criteria or application processes. Requests and awards will be equality monitored across relevant protected characteristics of ‘Race’ ethnicity, colour, nationality or national origin, sexual orientation, disability, age, gender reassignment or religion and belief, maternity and pregnancy.
- 20.2 Monitoring information may be used for:
- Performance improvement – to give WDC the information we need to improve performance and applicant experience;
  - Benchmarking - against the previous scheme and other Local Authorities to suggest areas for improvement or good practice;
  - Accountability – to satisfy the requirements to provide information on the performance of the scheme, including budgeting performance; and
  - Informing - the design of the permanent scheme following the interim arrangements, including future financial distribution.
- 20.3 The Council will review its Scottish Welfare Fund Policy on an annual basis except where there are changes to Scottish Government guidance. In such cases changes to the policy will be made within a reasonable time scale of the change coming into effect.

## Appendix 1

### EXCLUSIONS FROM CRISIS AND COMMUNITY CARE GRANTS

A person should not be awarded a Crisis Grant or Community Care Grant for a range of excluded needs:

1. a need which occurs outside the United Kingdom
2. an educational or training need including: clothing and tools, distinctive school uniform or sports clothes for use at school, equipment to be used at school, travelling expenses to or from school, school meals taken during school holidays by children who are entitled to free school meals
3. expenses in connection with court (legal proceedings) such as legal fees, court fees, fines, costs, damages, subsistence or travelling expenses
4. removal or storage charges if the person is being re-housed following a compulsory purchase order, a redevelopment or closing order or a compulsory exchange of tenancies.
5. a television or a radio or a licence, aerial or rental costs, costs of purchasing, renting or installing a telephone (unless this is for the purpose of a personal alarm), mobile phones and any call charges
6. repair to Local Authority property or the property of social landlords who maintain property on behalf of the tenant.
7. Rent in advance, which can be provided by a budgeting loan or discretionary housing payments.
8. debts, debt interest, debts to government departments or Local Authority tax, Scottish Water and waste charges, arrears of Local Authority tax or community water charges
9. any expense which the Local Authority or other organisation has a statutory duty to meet, for example regular costs for care or housing
10. a medical, surgical, optical, aural or dental item or service (note that needs under all of these headings can be provided free of charge by the National Health Service, if are getting Income Support, income-based Jobseeker's Allowance, Employment and Support Allowance (income-related), or Pension Credit). Medical expenses, treatments, items and medications.
11. domestic assistance and respite care
12. work related expenses
13. investments
14. holidays
15. Ongoing needs which are, or are likely to become, a feature of expenditure.
16. Travelling expenses, with the exception of one-off expenses relating directly to the qualifying criteria, for example travelling expenses to help someone move to a new home where that move is essential to their re-integration in the community.
17. Maternity expenses covered by a Sure Start Maternity Grant – see regulated Social Fund.
18. Any costs related to a person's funeral – see regulated Social Fund.
19. Expenses to meet the needs of people who have no recourse to public funds.

## Appendix 2

### PAYMENTS TO BE DISREGARDED FOR CALCULATING SAVINGS

These sources of income should normally be ignored in calculating savings:

1. housing benefit
2. Social Fund payments
3. Disability Living Allowance (mobility or care component)., Personal Independence Payments, Attendance Allowance or equivalents paid through industrial injuries or war pensions schemes
4. payments under Section 12 of the Social Work (Scotland) Act 1968 except where these are made for the same purpose as the application.
5. savings for a child or young person who is looked after (under the Looked After (Scotland) Regulations 2009) whether in a junior ISA or other account.
6. the value of the applicant's home, or premises acquired for occupation by the applicant within the next 6 months
7. the value of any premises occupied by a relative or former partner of the applicant
8. the value of any reversionary interest
9. the assets of any business owned by the applicant
10. any sum paid to the applicant in consequence of damage to or loss of the home or any personal possessions and intended for its repair or replacement
11. any sum acquired on the express condition that it is used for effecting essential repairs or improvements to the home
12. any personal possessions, except those acquired for the purpose of securing eligibility for a Crisis Grant
13. any payment made under section 22 of the Children (Scotland) Act 1995 unless the payment was made for the same need as the Crisis Grant application
14. any run-on payment of council tax discount or housing benefit
15. any compensation award set aside for the replacement of lost livelihood
16. any integration loan granted under The Integration Loans for Refugees and Others Regulations 2007 (SI 2007/1598).

## Community Languages

### Other Formats

This document is also available in other languages, large print and audio format on request.

Arabic

هذه الوثيقة متاحة أيضا بلغات أخرى والأحرف الطباعية الكبيرة وبطريقة سمعية عند الطلب.

Hindi

अनुरोध पर यह दस्तावेज़ अन्य भाषाओं में, बड़े अक्षरों की छपाई और सुनने वाले माध्यम पर भी उपलब्ध है

Punjabi

ਇਹ ਦਸਤਾਵੇਜ਼ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ, ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਆਡੀਓ ਟੇਪ 'ਤੇ ਰਿਕਾਰਡ ਹੋਇਆ ਵੀ ਮੰਗ ਕੇ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ।

Urdu

درخواست پر یہ دستاویز دیگر زبانوں میں، بڑے حروف کی چھپائی اور سننے والے ذرائع پر بھی میسر ہے۔

Chinese (Cantonese)

本文件也可應要求，製作成其他語文或特大字體版本，也可製作成錄音帶。

Polish

Dokument ten jest na życzenie udostępniany także w innych wersjach językowych, w dużym druku lub w formie audio.

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