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**To:** Finance and Resources Policy Board

**On:** 26 August 2015

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**Report by:** Director of Finance and Corporate Services

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**Heading:** Consultation on Regulations and Statutory Guidance Under the Welfare Funds (Scotland Act 2015) – Proposed Response

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**1. Summary**

- 1.1 The Welfare Funds Scotland Act 2015, passed on 3 March 2015 in the Scottish Parliament places a statutory duty on local authorities to provide welfare funds, in line with regulations and statutory guidance
- 1.2 The Consultation on Regulations and Statutory Guidance under the Welfare Funds (Scotland Act 2015) is the next stage in the process following the passing of legislation. Views on the regulations and statutory guidance for how local authorities should provide their SWF are invited by the Scottish Government.
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**2. Recommendations**

- 2.1 To agree the proposed response to the consultation questions issued by the Scottish Government.
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**3 Background**

- 3.1 The Welfare Funds Scotland Act 2015 was passed on 3 March 2015, and places the interim Scottish Welfare Fund into law. The Act places a statutory duty on local authorities to provide welfare funds, in line with

regulations and statutory guidance. The full legal framework should be in place by April 2016.

3.2 The consultation is about the next steps in the process; the regulations and statutory guidance which will give detail of how local authorities provide their Scottish Welfare Fund.

3.3 The consultation asks questions about:

- Policy and equality issues.
- Whether the draft regulations will help decision makers to make the right decisions, and assist the Scottish Public Services Ombudsman to carry out effective reviews.
- Changes between the guidance under the interim scheme and the statutory guidance under the permanent scheme.
- The applications form, so this can be improved for the permanent scheme.

3.4 The proposed response to the consultation is attached as Appendix 1. Also attached are; the full consultation document (appendix 2), draft statutory guidance (appendix 3), example application form (appendix 4) and draft regulations (appendix 5)

## Implications of the Report

1. **Financial** – n/a
2. **HR & Organisational Development** – n/a
3. **Community Planning** –  
**Community Care, Health & Well-being** – the Scottish Welfare Fund provides a very clear support mechanism to vulnerable families and individuals in times of acute financial need.
4. **Legal** - none
5. **Property/Assets** – n/a
6. **Information Technology** – n/a
7. **Equality & Human Rights** -  
  
(a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – n/a
9. **Procurement** – n/a
10. **Risk** – n/a
11. **Privacy Impact** – n/a

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## List of Background Papers –

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## Appendix 1

### Consultation on Regulations and Statutory Guidance Under the Welfare Funds (Scotland Act 2015) – Proposed Response

#### **Low Income:**

**Q1** – Is it a problem that LAs use different ways to decide whether or not an SWF Applicant is on a low income to check that they are eligible for an award?

**Please refer to page 5 of the consultation document**

*There may be an issue of consistency in decision making. It does not appear to be a significant issue in Renfrewshire as only 389 applicants out of 10,810 (both CG and CCG) were not in receipt of a qualifying benefit.*

*It is the council's view that debts and other outgoings need to be considered, a flat level of income, that doesn't take this into account, may mean those in hardship get no help.*

*Ultimately it is felt that if a limit is set, then this constrains discretion and is therefore contrary to the ethos of a discretionary scheme.*

*It is thought that using a Council Tax Reduction award as a guide, could improve efficiency of decision making, however decision makers should still have the ability to use their discretion if justified.*

**Q2** – What is the best way for a LA to decide that an SWF applicant is on a low income? Please tick one. Options 1,2,3,4

**Please refer to page 5 of the consultation document**

*Option 1 was agreed to be the best option as it is aligned with the spirit of the discretionary scheme and is consistent with the response given for Q1*

*The main disadvantage though would be potential variation in what is considered a low income from one decision maker to another. This risk could be minimised by internal quality/consistency checks, tracking of award rates and average payments and by monitoring requests and outcomes of reviews.*

### **Limit on Awards**

**Q3** - What do you think the consequences would be if we limited CG awards to three per household per year?

**Please refer to pages 6 & 7 of the consultation document**

*Some families face additional challenges which can mean the awards made do not necessarily reach the whole household. In such cases the 3 awards for each applicant in a couple could be a genuine need. Placing a blanket restriction removes discretion from the decision maker to award in a scenario like this.*

*However it is recognised that currently it could be argued that awarding 3 per person (the current position) could be seen to discriminate against single parent households who may only apply for 3 grants in one year. Currently discretion can be applied; however the burden of proof for any further award is on the applicant.*

*From equalities perspective it is thought that the limitations on claims for single parents compared to couples is likely to disproportionately adversely affect women, and therefore it is appropriate to consider this. However, it would be necessary to be mindful that women are also more likely to be disproportionately impacted where household income is mismanaged (or in households with financial abuse), and women may be more likely to manage expenditure for children. This needs to be considered in the administration of awards for couples, particularly with roll-out of Universal Credit.*

*It is therefore the council's view that Local Authorities should have the discretion to decide the number of awards which can be made to an individual/household.*

**Q4** - What do you think the consequences would be if we limited CCG awards to three per household per year?

**Please refer to pages 6 & 7 of the consultation document**

*It is the council's view that there is not great demand for more than 3 CCG awards per year; Renfrewshire only had 6 applicants with 3 or more CCG awards in 2014/15 out of 1600 awards and 2000 applications made. However the discretionary principle may be applied that in cases of extreme need there is a need for flexibility.*

**Q5** - Do you think that there should be a limit on the number of times that a CCG can be given for the same item in a set period? Y

**Explain**

**Please refer to pages 6 & 7 of the consultation document**

*Broadly the council's view is yes; aligned with previous responses there should be discretion/ ability to make exceptions.*

*Guidance should provide the steer that; larger items such as cookers, sofas, beds, washing machines etc... Should be restricted within a period as they should last for a significant amount of time. Such limits should take into account if the customer has moved home within the period. Someone who has not moved would be expected to retain items previously awarded easier than someone who has moved. A reasonable degree of care should be expected of those who have moved, in terms of trying to take previously awarded goods with them between tenancies where possible. Items such as towels, bedding etc (that could be damaged /worn out more quickly due to medical issues should not be restricted in the same way.*

### **Families facing exceptional pressures**

**Q6** - Do you agree that families facing exceptional pressure should be given priority? in decisions on CG applications as well as CCGs?

**Please refer to page 7 of the consultation document**

*The Council recognises that applicants (families or individuals) to the Scottish Welfare Fund for Crisis Grants (CG) are by definition 'in crisis' and are therefore treated as such. From a CG processing point of view over 90% of CG's received by the council are processed within one day on a first come, first served basis. Building in a priority for families facing exceptional pressures would be an extra administrative burden that would more than likely cause additional delays to processing which could ultimately affect both single applicants and families.*

### **Cash Equivalent Awards**

**Q7** - Which sorts of payment do you think are cash equivalents that LAs should be able to use to pay SWF grants? You can choose as many as you like.

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

**Please refer to page 8 of the consultation document**

*Renfrewshire council aims to pay all Crisis Grant awards as a BACS (bank) transfer where possible as it is the cheapest, most efficient, direct and convenient method of payment available.*

*Not all applicants have a bank account, therefore the council deems paypoint vouchers (issued by text message) which are exchangeable in any paypoint store for cash as a 'cash equivalent.'*



**Q8** – How can LAs make sure that the way they are making the award, i.e. in cash or by a cash equivalent, is the best one for the applicant?

**Please refer to pages 8 & 9 of the consultation document**

*The council's view is that the customer should choose how they would like their crisis grant to be paid.*

*Customers are offered the option of a BACs payment in the first instance.*

*If BACS is not a suitable option customers are offered payment via paypoint. The paypoint option provides a local service and is efficient because it reduces travel costs for customers, not needing to make a journey to collect their crisis grant. It is also a safe solution for the council because it does not need to hold cash supplies across multiple locations.*

### **Timescales – CG processing**

**Q9** – Do you agree with the draft statutory guidance on timescales for processing CGs? It says that:

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

Y/N – If not, explain why?

**Please refer to pages 6 & 7 of the consultation document**

*The proposal suggested is thought to be workable, with the suggested minor amendment and instruction to staff that they must make a decision based on the information they have as the deadline approaches.*

*Currently, the council's decision makers will allow more time for information to be provided, making decisions based on limited information may lead to increased 'declinatures' and as a result this could increase the volume of review requests..*

**Excluded Items**

**Q10** - Do you agree that substantial improvements to private property should be added to the list of excluded items at Annex A of the draft statutory guidance?

Y/N – if not please explain why

**Please refer to page 42 of Appendix 3 (Draft guidance)**

Yes

**Q11** - Do you agree that repatriation costs should be added to the list of excluded items at Annex A of the draft statutory guidance?

Yes

*Yes – it is the council's view that as repatriation costs by definition means that applicants are not remaining in the community; they do not therefore come under the current remit of the Scottish Welfare Fund.*

**Q12** – Do you think there should be any other items added to the list of excluded items in Annex A of the draft statutory guidance?

**Q13** – Do you think there should be any items taken off the list of excluded items in Annex A of the draft statutory guidance?

*It is the Council's view that decisions makers should have discretion to pay a customer's fares to and from work. It is recognised that customers can apply to the DWP's flexible support fund, however there are occasions when they have either been refused (it is also a discretionary fund) or have not been made aware of the existence of the fund and by the time they call for a Crisis Grant they are 'off benefit' and no longer eligible for the DWP support. Local Authorities should always encourage customers to apply to this first however in a small number of cases a customer needs payment that day and would not be able to get this if they are 'passed' back to DWP.*

## **Vulnerabilities**

**Q14** – Is there anything on the list of vulnerabilities at Annex C of the draft statutory guidance that you don't think should be there?

**Q15** – Is there anything that you think should be added to the list of vulnerabilities at Annex C of the draft statutory guidance?

**Please refer to page 46 of Appendix 3 (Draft guidance)**

*No suggested deletions/additions.*

## **Equalities Impact**

**Q16** – What equalities impacts have you identified from the draft regulations and guidance at Annexes B and C to the consultation paper? (Regulations and draft guidance)

**Please refer to pages 45& 46 of Appendix 3 (Draft guidance)**

*It should be noted that an increased number of people with a particular protected characteristic does not necessarily indicate they are 'advantaged in decision making.' Many of the groups that are overrepresented within SWF applications are also overrepresented within low-income households more generally.*

*While there continues to be challenges around data collection, informed action to redress balances is limited. The nature of ensuring SWF applications remain 'fast' is essential, but it is important to develop more robust metrics around the representation of protected characteristics in order to effectively target groups that may not be applying.*

*It is important to note that younger people are experiencing rises in poverty in Scotland at the moment, which is significantly driven by the increase of the private rented sector. It is possible that this demographic may be less likely to apply for Scottish Welfare Fund, as they may be less familiar with local government systems and services. We believe this should be monitored through the data nationally.*

*At 4.31 within the guidance it states the importance of communicating in way which meets people's needs. In addition to this, it is essential to make sure all communications are clear and accessible, using plain English and accessible design style. This is relevant for a wide range of vulnerabilities beyond disability, such as people who do not speak English as a first language and people with poor literacy.*

*Annex F indicates that 'Equal Rights organisations' will be consulted with. It is important that this includes national organisations that are led by protected characteristic groups that are not mentioned within the EQIA, such as lesbian, gay, bisexual and trans organisations within Scotland. These groups often face significant financial crisis and vulnerabilities outlined within the regulations, but often are not well represented enough at a local level for effective engagement around key barriers.*

**Q17** – Do you think that the draft regulations at Annex B to this consultation paper will have the effects that we have listed here?

YES/NO

**Q18** - If you do not think that they will have these effects, please tell us about any gaps in the regulations or unintended consequences you would expect from these regulations.

*Feedback covered by previous consultation question responses, particularly Q3.*

### **Additional comments on Statutory Guidance**

**Q19** – Please tell us about any concerns, comments or suggestions you have on the draft statutory guidance at Annex C to this consultation paper, that are not already covered by the questions in Section one of the consultation paper.

*Feedback covered by previous consultation question responses*

### **Application Form**

**Q20** - Should the application form for the permanent SWF be:

A combined CG and CCG application form

Two separate application forms

#### **Please refer to Appendix 4**

*A shortened CG application would speed up processing time but would remove the flexibility to award a CCG as we currently do from these applications and vice versa.*

*The council would suggest seeking a solution which could enable a separate shortened CG form that in certain circumstances could be 'converted' to a CCG.*

**Q21** - What information is collected on the application form for the interim SWF, at Annex D to this paper, that you do not think is needed to assess an application?

**Please refer to Appendix 4**

*In relation to the questions on page 12 on the form about savings, very rarely does a customer who is applying for a Crisis Grant declare that they have any form of savings. The process would be more efficient if the five specific questions relating to saving/other money could be condensed into one question perhaps multiple parts.*

*In part five of the form the customer is asked about other support there are three questions asking about what support may be useful, these could perhaps be combined as one question again multiple parts.*

**Q22** - How can the application form for the interim SWF, at Annex D to this Consultation paper, be improved for the permanent SWF?

*Covered by response to question 20/21 above.*



# **Consultation on Regulations and Statutory Guidance under the Welfare Funds (Scotland) Act 2015**

**May 2015**

# **Consultation on Regulations and Statutory Guidance under the Welfare Funds (Scotland) Act 2015**



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**Consultation on Regulations and Statutory Guidance  
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## Ministerial Foreword



I am proud to introduce this consultation on the next stage of development for the Scottish Welfare Fund.

The Scottish Welfare Fund was developed in partnership with COSLA, local authorities and other organisations. It is an excellent example of collaborative working, resulting in the Welfare Funds (Scotland) Act 2015 which will ultimately come into force in April 2016.

This Act is important in many ways. It is the first substantive social security Act to come before the Scottish Parliament and will provide a permanent, reliable safety net for people on low incomes. The Act sets out the high-level framework for welfare funds, and lays down some important boundaries about how the Fund will operate in the future.

It also requires local authorities to ensure that people who apply for welfare funds are treated with respect and that their dignity is preserved; this is an important marker for how this Government wants to take forward the new social security related powers that are coming to the Scottish Parliament.

More immediately, we want to continue with our successful collaborative work to put in place regulations and statutory guidance under the new Act. We want to build on the experience of operating the Scottish Welfare Fund on an interim basis since April 2013. During that time, tens of thousands of households have received help with everyday household items and with basic living costs for eating and heating. This support provides a lifeline to vulnerable people who do not have the means to afford the necessities that the majority of us take for granted. So, it's important that we continue to reach out, provide a robust safety net, and carry on developing the Fund to maximise its ability to help people and families on a low income.

You can help us do that by sharing your experience of the Fund and responding to this consultation. Getting the views of all involved with the Fund is vital to us, so I am encouraging as many people as possible to contribute. We will listen very carefully to the all responses we receive, before finalising this next stage of the development of the Scottish Welfare Fund.

A handwritten signature in blue ink that reads "Margaret Burgess". The signature is written in a cursive style with a horizontal line underneath the name.

Margaret Burgess  
Minister for Housing and Welfare

## Background

Scottish Ministers have always planned to set out the Scottish Welfare Fund (SWF) in law, using the experience of running the Fund on an interim basis since April 2013. The Welfare Funds (Scotland) Act 2015, passed on 3 March 2015 in the Scottish Parliament, is the first step in that process. The Act places a statutory duty on local authorities (LAs) to provide welfare funds, in line with regulations and statutory guidance. We plan to have the full legal framework for the SWF to be in place for April 2016.

This consultation is about the next stage in the process – the regulations and the statutory guidance that will give the detail of how LAs should provide their SWF.

The SWF started in April 2013, just after Department for Work and Pensions (DWP) crisis loans for living expenses and community care grants were abolished. The UK Government asked LAs in England to meet the need for grants. The Scottish and Welsh Governments were given the money that had been spent on the grants and could decide how to spend it.

In Scotland, we took on new powers to make social security payments, under the Scotland Act 1998 (Modification of Schedule 5) (No. 2) Order 2013. Scottish Ministers decided to use these new powers to set up the SWF, to be delivered by Scottish LAs. Scottish Ministers have issued national ministerial guidance to LAs on how to make grants under Section 21 of the Local Government Act 2003 – the Power to Advance Wellbeing. The national ministerial guidance is based on the DWP Social Fund, but is different in some significant ways. There are two types of grants under the SWF: crisis grants (CGs), and community care grants (CCGs). A CG aims to help people on low incomes, who are in crisis because of a disaster or an emergency. A CCG aims to help people on low incomes, who may have to go into care unless they get some support to stay at home. Or, if they are leaving care and need help to set up their own home. For example, they may be leaving hospital, prison or a residential care home. CCGs also help families facing exceptional pressures, with one-off items, like a cooker or a washing machine.

The SWF is, and will remain, a discretionary scheme that prioritises applications according to need. This means that a decision is made on each application, depending on the circumstances of the applicant rather than there being situations which make people entitled to a grant. The grants do not have to be repaid. LAs can provide grants in different ways; not all grants are cash payments. They may give fuel cards, furniture, or other forms of grant, if they think that the best way to meet the need of the applicant.

Scottish Ministers intend that the permanent SWF should continue to operate in much the same way as it does now – with one significant difference. At present, people who do not think that the decision on their application was correct can ask the LA to look at it again. This is known as a review. It can be a two-stage process. First, another LA decision maker will review the application and make a new decision. If the applicant is still not happy, they can ask for a second tier review, where an impartial LA panel looks again at the application. From April 2016, the review process will change and the second tier reviews will be looked at by the

Scottish Public Sector Ombudsman (SPSO). This will introduce more independence into the review process.

You can find out more about the development of the Welfare Funds (Scotland) Act at:

<http://www.gov.scot/Topics/People/welfarereform/scottishwelfarefund/welfarefundsbill>  
<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/77924.aspx>

You can find a summary of the interim SWF at:

<http://sh45inta/Topics/People/welfarereform/scottishwelfarefund/Summaryofthescheme>

You can find up to date statistics on awards from the interim SWF at:

<http://www.gov.scot/Topics/Statistics/Browse/Social-Welfare/swf>

You can find out more about the SPSO thinking about his new role at:

<http://www.spsso.org.uk/news-and-media/spsso-briefing-note-scottish-welfare-funds-scotland-bill>

## About this consultation

The 32 welfare funds set up by the Welfare Funds (Scotland) Act 2015 will be managed by LAs according to regulations under the Act, and statutory guidance. The interim SWF has already been making grants for two years, so LAs have good experience of what works and what does not work. The interim SWF is meeting the needs of applicants and there are systems in place to check how well the service is running and improve the way it works. We set up the improvement system to help decision makers make the right decision every time. It also helps to make sure that all LAs make their decisions in the same way, following the guidance that the Scottish Government has given them. The permanent SWF will be based on the interim SWF but there will be some changes because of the lessons we have learned. This consultation asks questions about:

- Some policy issues on which people may have different views.
- Changes between the guidance under the interim SWF and the statutory guidance under the permanent SWF, where we want to be sure that we understand what will happen as a result.
- Equalities impacts of the permanent SWF, to use in our equality impact assessment.
- Whether the draft regulations will help decision makers to make the right decisions, in the same way as decision makers in other LAs and whether they will help the SPSO to carry out effective reviews of cases.
- The standard application form for the SWF, so that we can improve this for the permanent SWF.

## 1) VIEWS ON POLICY ISSUES AND EQUALITIES IMPACTS

### a) Eligibility for an SWF Grant – What is Low Income

SWF grants should be given to people on low incomes or who cannot get access to their money for some reason. Under the interim SWF, being entitled to certain DWP benefits is used as evidence of being on a low income. For people who are not entitled to one of these benefits, LAs can use their judgment to decide whether or not someone is on a low income, depending on their situation. They make this decision based on information given on the application form and information that they already have, for example in council tax or housing benefit systems. This gives LAs the flexibility to make awards to people who are on a low income for a wide range of reasons. It also means that LAs do not need to carry out an income assessment for every case. A full income assessment can take a long time as it means gathering a lot of information. This may not be worthwhile for a small CG as it takes up a lot of staff time which costs too much. However, because LAs all make their own judgements, there can be differences between one decision maker's opinion and another's. There can also be differences between LAs who are using different ways of deciding what a low income is. If LAs try to make their own decision making more consistent by setting their own guidelines, they may be criticised by the SPSO for setting their own rules rather than using Scottish Government guidance.

We would like to hear your views about different ways of deciding if someone is on a low income. This is so that we can find a way which lets decision makers help people in a wide range of situations but which doesn't mean collecting a lot of information from the applicant.

**Q1** – Is it a problem that LAs use different ways to decide whether or not an SWF applicant is on a low income to check that they are eligible for an award?

YES/NO

Please explain your answer.

**Q2** – What is the best way for a LA to decide that an SWF applicant is on a low income? Please tick one.

Continue to use the same method as for the interim SWF – LA decision makers make a judgement on whether the applicant is on a low income based on the information given by the applicant, which benefits they are entitled to and information they already have in their other benefit systems. This will mean that LAs use slightly different methods, as they do now.	
We could make a list of different “approved” ways that LA decision makers could use to decide whether the applicant is on a low income. For example, if you are entitled to certain welfare benefits or levels of tax credits, council tax reduction or housing benefit. The LA could use the best way for their systems. This would still mean some variation but less than under the current system.	

We could decide a set level of income and ask decision makers not to make grants to anyone whose income is higher. The level of income could be different according to what sort of household the applicant is in. This would reduce variation between LAs but would also mean that LAs cannot make their own judgements to make an award when someone is above the income level. This is not as flexible as the current arrangement where special circumstances can be taken into account so that a grant can be made when income is higher.	
Other – please give details.	

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

## b) Repeat Awards for CCGs and CGs

At the end of the first year of the SWF, there was money left in the Fund and this was carried forward to use in the second year. At the end of the second year of running, almost all of the money has been spent, including the extra money left over at the end of the first year. We think that there will be more applications in the future, because people on benefits are being affected by welfare reform and need more help. In general, we think that the SWF should make grants to as many different people who qualify as possible, rather than being spent on a smaller number of people who apply more often.

**A new limit on the number of CCGs in a 12 month period** - At the moment, there is no limit on the number of CCGs that a person can be given. LAs have told us about a small number of cases where an applicant has moved in to new homes several times but not managed to keep them. This means that they apply for another CCG when they are re-housed again, not long after. While this is only happening in a very small number of cases, we would like to protect the Fund by making sure that it doesn't happen more in the future. We are therefore thinking about setting a limit of three CCG awards in any 12-month period.

### Information on repeat awards

Between April 2013 and December 2014, 92,600 households applied for a CCG. 18% of these made more than one application during the 21 month period and 9% applied both in 2013/14 and 2014/15. A total of 3,647 households have applied three or more times since the scheme began. Of these, 495 applied three or more times in 2013/14 only, 554 applied three or more times in 2014/15 only, and 98 applied three or more times across different financial years.

Between April 2013 and December 2014, 120,400 households have applied for a CG. 42% applied only during 2013/14, 20% applied only during 2014/15 but 22% have applied during both years. Since the scheme began in April 2013, 58% of the households have applied only once, 19% have applied twice and 23% have applied three times or more.



**Reducing the number of CGs for couples** - Under the interim SWF, applicants will usually only be given three CG awards in any 12-month period. For couples or families, this means they might be given up to six CG awards in any 12-month period because each adult can get three CGs. However, a single parent or single person can only be given three CGs in any 12-month period. This means that they are not being treated equally. Single parents are often women so they are affected by this more than men. We think it would be fairer for single people if couples and other households were treated in the same way and are therefore thinking about setting a limit of three CG awards in any 12-month period for each couple.

We would like your views on whether we should set a limit on the number of CCGs and CGs that can be given to each household in a 12-month period.

**Q3** - What do you think the consequences would be if we limited CG awards to three per household per year?

**Q4** - What do you think the consequences would be if we limited CCG awards to three per household per year?

**Q5** - Do you think that there should be a limit on the number of times that a CCG can be given for the same item in a set period?

YES/NO

If so, what should the limits be?

Please explain your answers.

### **c) Families facing Exceptional Pressure**

While the Welfare Funds (Scotland) Act 2015 was going through the Parliament, there was a lot of discussion about families under exceptional pressure. The permanent SWF will continue to make payments to families under exceptional pressure in the same way as the interim SWF. In addition, in order to make sure that a wide range of situations are covered, we have added a regulation which requires LAs to give priority to families facing exceptional pressure when they are making decisions on CG applications as well as CCG applications.

**Q6** - Do you agree that families facing exceptional pressure should be given priority in decisions on CG applications as well as CCGs?

YES/NO

Please explain your answer.

#### **d) How CGs are Paid**

While the Welfare Funds (Scotland) Act 2015 was going through the Parliament, the Minister for Housing and Welfare said that a regulation would be made to make sure that LAs only pay cash or a cash equivalent for a CG. She said:

“that cash or a cash equivalent is the default position for CG payments, unless it suits the applicant to have an award fulfilled in another manner.”

There are some practical things to take in to account in doing this. In particular, it is difficult to pin down what is a cash equivalent.

If LAs pay cash grants, applicants can choose where to shop and what to buy as they know best what they need. It also avoids stigma because no one knows that they are spending a grant.

However, LAs use different payment methods for different reasons. In some cases, a service such as Paypoint or Allpay is the only way to safely make a payment to an applicant for practical reasons, for example because it is too far to travel to collect cash. Some cash equivalents may mean that the applicant gets help more quickly e.g. fuel cards, which may be the normal way to pay for fuel and saves them from having to buy a card.

We know that many LAs do not have cash offices anymore, because a lot of people pay rent and council tax by electronic payments. It may cost a lot of money to set up cash offices. In some cases it may cause harm to the applicant to pay them cash, for example where the applicant had a dependency or addiction.

**Q7** - Which sorts of payment do you think are cash equivalents that LAs should be able to use to pay SWF grants? You can choose as many as you like.

Paypoint or alternative electronic transfer	
Allpay (without restrictions) or other loaded store card	
Fuel Cards	
High street vouchers accepted at a number of outlets e.g. for clothing	
Travel tickets, bought on behalf of the applicant	

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

**Q8** – How can LAs make sure that the way they are making the award, i.e. in cash or by a cash equivalent, is the best one for the applicant?

#### **e) Timescales for Processing CGs**

Timescales for processing CGs are now limited by the Welfare Funds (Scotland) Act 2015:

“Regulations making provision of a type described in subsection (2)(b) must provide that a local authority is to make its decision on an application for assistance in pursuance of section 2(1)(a)—

- (a) immediately after the authority has received all information allowing a decision to be made, and
- (b) in any event, no later than the end of the next working day.”

In the draft statutory guidance on the SWF, we say more about what this will mean in practice.

**Q9** – Do you agree with the draft statutory guidance on timescales for processing CGs? It says that:

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

YES/NO

If not, please explain why.

#### **f) Excluded Items**

We are thinking about adding two new things to the list of exclusions in the draft statutory guidance:

Substantial improvements to private property – e.g. installation of central heating or major roof repairs. LAs sometimes receive applications for major work to private rented or owner occupied houses, to allow for the applicant to stay in their home. This often involves a large grant which has the side effect of increasing the value of a private property. Improvements to LA and social housing are already excluded items for the SWF. While the SWF was set up partly to help people to maintain a home in the community, it is difficult for LAs to balance the need of one applicant for a large grant which may only help them for a very short time, with the needs of other applicants needing help. We therefore think that substantial improvements to property should be added to the list of exclusions so that all LAs make the same decision in this sort of situation and do not make a grant for them.

**Q10** - Do you agree that substantial improvements to private property should be added to the list of excluded items at Annex A of the draft statutory guidance?

YES/NO

If not, please explain why.

Repatriation costs - At least one LA has received an application for the costs of travel from someone from another EU country who had no money and wanted to go home. We don't think that the SWF should be used to pay for these costs because its aim is to keep people in the community. We therefore think that repatriation costs should be added to the list of exclusions so that all LAs are making the same decision in this situation and do not make a grant for them.

**Q11** - Do you agree that repatriation costs should be added to the list of excluded items at Annex A of the draft statutory guidance?

YES/NO

If not, please explain why.

Any further additions to, or deletions from the list of exclusions – Apart from the changes to the list of excluded items listed above, we would like to know if there are any other items that should be added to or taken off the list.

**Q12** – Do you think there should be any other items added to the list of excluded items in Annex A of the draft statutory guidance?

YES/NO

**Q13** – Do you think there should be any items taken off the list of excluded items in Annex A of the draft statutory guidance?

YES/NO

If yes, please tell us which items and explain why.

## **g) Vulnerabilities**

Annex C of the draft statutory guidance contains a list of examples of vulnerabilities that decision makers should use when they are deciding how vulnerable an applicant is. We would like to know if there are other experiences or conditions which make people more vulnerable and which LAs should take in to account when they are making a decision.

**Q14** – Is there anything on the list of vulnerabilities at Annex C of the draft statutory guidance that you don't think should be there?

YES/NO

If yes, please tell us what and explain why.

**Q15** – Is there anything that you think should be added to the list of vulnerabilities at Annex C of the draft statutory guidance?

YES/NO

If yes, please tell us what situation, condition or circumstance should be added to the list of vulnerabilities and explain why.

## **h) Equalities Impacts**

Before the introduction of the Welfare Funds (Scotland) Act 2015, we carried out an equality impact assessment (EQIA), including analysis of the monitoring information on the interim SWF. You can read a summary of the EQIA at: <http://www.gov.scot/Topics/People/welfarereform/scottishwelfarefund/welfarefundsbill/eqiasummary>. The EQIA found a number of areas for monitoring of development in the practical operation of the SWF, for example low take up in particular groups, which we have been looking at as part of our programme of quality improvement work. We will be updating the EQIA as we continue to develop the draft regulations and guidance, using monitoring information and stakeholder views.

**Q16** – What equalities impacts have you identified from the draft regulations and guidance at Annexes B and C to the consultation paper?

## **Updates on Policy Areas where we are not consulting but there is Work under Way**

**SWF Eligibility for Universal Credit (UC) claimants** - We need to think about how LAs should judge whether applicants who are entitled to UC are on a low income or not. Some people on UC will be earning higher levels of income because it will be paid to people who currently receive working tax credit. In the long run, we do not think that everyone who is entitled to UC should be eligible for an SWF grant. We have done some work on this and plan to decide what to do once we know more about the UK Government's plans for UC.

**CCGs for offenders on temporary release/home visits** - Under the interim SWF, a CCG can be paid to an applicant who is looking after a prisoner or young offender on a home visit. This is to pay for living costs while the prisoner or young offender is staying with them. The grant is not made to the prisoner or young offender themselves. We know that there has been some confusion among LAs and applicants about this sort of award. In April 2015, we updated guidance to SWF decision makers to try to be clearer on what rate of living expenses should be given to people looking after prisoners on home release. We are now looking at how grants for home release can work better in the future.

**SWF applicants who are not from the UK** - Following feedback from LAs and others, we are planning a further advice note for decision makers on applications from people who are not from the UK. In some cases, these can be very complicated cases and we want to give decision makers more information on the status of people from different countries and in different situations so that they are clear on when a grant can be made and when it should not.

## **2) VIEWS ON DRAFT REGULATIONS**

a) SWF regulations are the clear rules which LA managers and decision makers will need to follow. They will also be used by the SPSO to test decisions when they carry out an independent review if an applicant asks for one. The regulations aim to:

- Set out rules for the steps that decision makers need to go through in the decision making process. They cover eligibility, gathering and recording information from applications and the sorts of situations when a grant should be made. Regulations on eligibility will mean that all LAs are considering grants for the same sorts of people but that they can make exceptions when they come across difficult cases. Detail about the decision making process will be in guidance but the regulations include the information that LAs need to record. This will make it easier to check that the decision making process is being used properly.
- Give LAs the chance to fit the service in with other local services but still have a standard decision making process so that the SWF is the same all over Scotland. The regulations will allow LAs to decide how to take applications to the Fund and how to make grants, as long as they make CG payments by cash or cash equivalents.
- Give LAs the chance to make their own decisions, depending on the circumstances of the case, rather than a strict set of rules for every situation. The draft regulations are therefore quite broad. They do not contain a lot of detail, which you might find for entitlement based welfare benefits.

Draft regulations are at Annex B.

### **What the regulations will mean:**

#### **1. Citation and Commencement**

The regulations will come in to effect on 1 April 2016.

#### **2. Interpretation**

This section gives definitions of various terms to use in reading the regulations.

#### **3. Age**

Applications are only taken from people who are 16 or over. There is no upper age limit.

#### **4. Residence**

LAs will normally give grants to applicants who live in the LA area or have an address in the area that they will move to.

There are some exceptions:

- People who are stranded away from home and need a CG to get back to their own LA. In this case they can get a grant from the LA where they are stranded.

- People who are moving to another LA, for example to provide care for someone else. In this case, if they apply to the LA which they are leaving, that authority is able to make a grant but does not have to.
- People who are homeless.

LAs are also able to make a grant to people who do not live in their area if they think that their situation is exceptional.

## **5. Income and capital**

Grant awards are only made to people on low incomes or to people who cannot get other help.

LAs can make a judgment on what is low income but if the applicant is entitled to one of the listed benefits then this is enough to show that they are on a low income.

There will be more information on savings thresholds and income to be disregarded in calculations in the statutory guidance, so that it can be easily updated.

## **6. Types of assistance**

The five situations where a CCG can be paid are:

- To help people establish themselves in the community following a period of care where circumstances indicate that there is a risk of the person not being able to live independently without this help,
- To help people remain in the community rather than going in to care where circumstances indicate that there is a risk of the person not being able to live independently without this help,
- To help people set up home in the community, as part of a planned resettlement programme, following an unsettled way of life,
- To help families facing exceptional pressures,
- To help people to care for a prisoner or young offender on release on temporary release.

LAs will not make an award to applicants under the first of these situations if they have not spent three months in care or custody. This is a qualifying period of three months in institutional care, or a pattern of repeated admissions. In the case of prisoners, it is three months spent in custody, to include time spent on remand.

Situations where a CG can be given will be given in statutory guidance, rather than regulations. This is because crisis and disaster can come about because of so many different causes and we don't think that regulations are the best place to describe these.

## **7. Procedure for applications**

LAs will advertise the different ways that people can apply for the SWF on their websites. Applicants must apply using the ways that LAs have set out.

## **8. Repeat applications**

If a person has made an application for a CCG or a CG for the same items or services dated within the last 28 calendar days (four weeks), and a decision has



already been made, the LA should not give a grant. Where there has been a relevant change of circumstances, for the applicant, since the previous application, the LA should treat it as a new application.

#### **9. CG – Families under Exceptional Pressure**

LAs will give priority to families facing exceptional pressure when they are making a decision about a CG.

#### **10. Limitation on award of CGs**

LAs do not normally make an award to an applicant who has already had three CGs in any 12-month rolling period, measured from the date of the decision. This is true wherever in Scotland the applications have been made. However, LAs can give a fourth grant if they think that there are exceptional circumstances.

#### **11. Form of CG Assistance**

LAs must pay CGs in cash or a cash equivalent, unless it is better for the applicant to be paid in a different way.

#### **12. Excluded Items**

LAs will not make grants for the things which are on the list of excluded items in the guidance. This includes things like work expenses and debt payments. There is a list at Annex A of the statutory guidance.

#### **13. Application on behalf of a person**

LAs can take an application from someone acting on behalf of the applicant, if the applicant agrees and the LA thinks it is reasonable to do this.

#### **14. Decisions on fund applications**

LAs must make decisions on applications for CCG within 15 working days of receiving all the information they need to make a decision. LAs must respond to every application by sending a decision letter, or by another form of communication if the applicant has asked them to.

This is so that applicants have a record of the application and all the information they need to understand the decision and to request a review if necessary.

#### **15. Reviews**

LAs must review their decision on an application if the applicant asks them to. The applicant must usually ask for the review in writing but the LA can take requests in other ways if the applicant finds it difficult to ask in writing. The LA must send the result of the review in writing. The LA should make arrangements for the case to be looked at by a different decision maker who did not make the original decision.

The first tier review decision may:

- not change the original decision,
- cancel the original decision and make a new decision.

It cannot pay a lower grant or take away a grant that has already been given.



LAs must carry out first tier reviews where a request is made within 20 working days of the original decision date. The LA may make exceptions to this time limit if they think it is reasonable to do so.

LAs should make a decision on a first tier review of:

- CGs within two working days of receiving a request from an applicant,
- CCGs within 15 working days of receiving a request from an applicant.

## **16. Content of Decisions**

LAs must include this information in their decision letters:

- what was applied for,
- the date of the application,
- the date of the decision,
- the reasons for the decision,
- details of what was granted,
- information on how to ask for a review.

## **17. Retention of Information**

LAs must keep a record of applications for seven financial years, including the year that the application is made in. As well as the information which is in the decision letter to the applicant, the record should include:

- facts taken into account in making a decision on the application,
- any information gathered that the decision maker deliberately decided not to take in to account in making the decision, and
- a record of each time there was contact with the applicant.

**Q17** – Do you think that the draft regulations at Annex B to this consultation paper will have the effects that we have listed here?

YES/NO

**Q18** - If you do not think that they will have these effects, please tell us about any gaps in the regulations or unintended consequences you would expect from these regulations.

## **Areas where there is no current plan to regulate**

At the moment, we have no plans to regulate on the following areas which were noted in the Welfare Funds (Scotland) Act 2015.

- arrangements for joint working if LAs decide to collaborate to provide the service,
- the definition of crisis or emergency,
- recovery of items,
- requiring LAs to provide statistical information,
- requiring people to provide information for the purposes of a first tier review,
- circumstances where a review cannot be requested.

This may change over time, depending on the experience of the permanent SWF.

### 3) VIEWS ON DRAFT STATUTORY GUIDANCE

Draft statutory guidance for the permanent SWF is at Annex C. It is based on the guidance for the interim SWF.

**Q19** – Please tell us about any concerns, comments or suggestions you have on the draft statutory guidance at Annex C to this consultation paper, that are not already covered by the questions in Section one of the consultation paper.

### 4) APPLICATION FORM

The interim SWF has one application form for both grants, so that an application for a CG can be used to make a CCG and vice versa. This is because much of the information that LAs collect is needed to process both grants, for example in order to decide whether the applicant is vulnerable or has another source of support. You can see a copy of the application form at Annex D. During the passage of the Welfare Funds (Scotland) Act 2015, we heard that the application form is too long and is a barrier to people applying for a grant. We can change the application form before the permanent SWF is introduced and would like to hear your views on what could be better. While the form itself is only used in a fairly small number of applications, the questions on it are used by IT suppliers to develop on-line forms and by LAs to write scripts to use in telephone services.

**Q20** - Should the application form for the permanent SWF be:

A combined CG and CCG application form	
Two separate application forms	

Please tick your chosen option.

Please explain your answer.

**Q21** - What information is collected on the application form for the interim SWF, at Annex D to this paper, that you do not think is needed to assess an application?

**Q22** - How can the application form for the interim SWF, at Annex D to this consultation paper, be improved for the permanent SWF?

## RESPONDING TO THIS CONSULTATION PAPER

We are inviting written responses to this consultation paper by **21 August 2015**.

**Please send your response to the consultation questionnaire with the completed Respondent Information Form, available separately on the Scottish Government website (see "Handling your Response" below) to:**

[swfregsandguidance-consultation@scotland.gsi.gov.uk](mailto:swfregsandguidance-consultation@scotland.gsi.gov.uk)

or

Scottish Welfare Fund  
Area 1J-South  
Victoria Quay  
Edinburgh  
EH6 6QQ.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>.

The Scottish Government has an email alert system for consultations, <http://register.scotland.gov.uk>. This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

### Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** which forms part of the **consultation questionnaire**. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

## Next steps in the process

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

## What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on the regulations and statutory guidance under the Welfare Funds (Scotland) Act 2015. We aim to issue a report on this consultation process by December 2015. We aim to lay regulations and issue statutory guidance to LAs in early 2016 and have the full legal framework for the permanent Welfare Funds in place by April 2016.

## Comments and complaints

**Annex E** gives more information on the Scottish Government consultation process and a list of the people that this consultation has been sent to is at **Annex F**. If you have any comments about how this consultation exercise has been conducted, please send them to:

Scottish Welfare Fund  
Area 1J-South  
Victoria Quay  
Edinburgh  
EH6 6QQ.

or

e-mail: [swfregsandguidance-consultation@scotland.gsi.gov.uk](mailto:swfregsandguidance-consultation@scotland.gsi.gov.uk)

# Consultation on Regulations and Guidance under the Welfare Funds (Scotland) Act 2015.



## RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

Title Mr ☐ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ *Please tick as appropriate*

Surname

Forename

### 2. Postal Address

<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
Postcode	Phone	Email

### 3. Permissions - I am responding as...

Individual

☐

/

Group/Organisation

☐

*Please tick as appropriate*

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate* ☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate* ☐ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*

☐ Yes

☐ No

## CONSULTATION QUESTIONS

### 1) VIEWS ON POLICY ISSUES AND EQUALITY IMPACTS

**1. Is it a problem that Local Authorities (LAs) use different ways to decide whether or not a Scottish Welfare Fund (SWF) applicant is on a low income to check that they are eligible for an award?**

Yes ☐ No ☐

**Please explain your answer :**

**2. What is the best way for an LA to decide that a SWF applicant is on a low income? Please tick one.**

Continue to use the same method as for the interim SWF – LA decision makers make a judgement on whether the applicant is on a low income based on the information given by the applicant, which benefits they are entitled to, and information they already have in their other benefit systems. This will mean that LAs use slightly different methods, as they do now.	
We could make a list of different “approved” ways that LA decision makers could use to decide whether the applicant is on a low income. For example, if you are entitled to certain welfare benefits or levels of tax credits, council tax reduction or housing benefit. The LA could use the best way for their systems. This would still mean some variation but less than under the current system.	
We could decide a set level of income and ask decision makers not to make grants to anyone whose income is higher. The level of income could be different according to what sort of household the applicant is in. This would reduce variation between LAs but would also mean that LAs cannot make their own judgements to make an award when someone is above the income level. This is not as flexible as the current arrangement where special circumstances can be taken in to account so that a grant can be made when income is higher.	
Other – please give details.	

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

**3. What do you think the consequences would be if we limited crisis grant (CG) awards to three per household per year?**

**4. What do you think the consequences would be if we limited community care grant (CCG) awards to three per household per year?**

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

Yes ☐ No ☐

**If so, what should the limits be?**

**Please explain your answer:**

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

Yes ☐ No ☐

**Please explain your answer:**

**7. Which sorts of payment do you think are a cash equivalent that LAs should be able to use to pay SWF grants. You can choose as many as you like:**

<b>Paypoint or alternative electronic transfer</b>	
<b>Allpay (without restrictions) or other loaded store card</b>	
<b>Fuel Cards</b>	
<b>High street vouchers accepted at a number of outlets e.g. for clothing</b>	
<b>Travel tickets, bought on behalf of the applicant</b>	

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

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



**9. Do you agree with the draft statutory guidance on timescales for processing CGs. i.e. that:**

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

**Yes ☐ No ☐**

**If not, please explain why:**

**10. Do you agree that substantial improvements to private property should be added to the list of excluded items at Annex A of the draft statutory guidance?**

**Yes ☐ No ☐**

**If not, please explain why:**

**11. Do you agree that repatriation costs should be added to the list of excluded items at Annex A of the draft statutory guidance?**

Yes ☐ No ☐

**If not, please explain why:**

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

Yes ☐ No ☐

**If yes, please tell us which items and explain why:**

**13. Do you think there should be any other items taken off the list of excluded items in Annex A of the draft statutory guidance?**

Yes ☐ No ☐

**If yes, please tell us which items and explain why:**

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

Yes ☐ No ☐

**If yes, please tell us what and explain why:**

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

Yes ☐ No ☐

**If yes, please tell us what situation, condition or circumstance should be added to the list of vulnerabilities and explain why:**

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

## 2) VIEWS ON DRAFT REGULATIONS

17. Do you think that the draft regulations will have the effects that we have listed at section 2 of the consultation paper?

Yes ☐ No ☐

18. If you do not think that they will have these effects, please tell us about any gaps in the draft regulations at Annex B to the consultation paper or unintended consequences you would expect from these regulations:

## 3) VIEWS ON DRAFT STATUTORY GUIDANCE

19. Please tell us about any concerns, comments or suggestions you have on the draft statutory guidance at Annex C to the consultation paper that are not already covered by the questions in Section 1 of the consultation paper:

## 4) VIEWS ON THE APPLICATION FORM

20. Should the application form for the permanent SWF be:

A combined CG and CCG application form	
two separate application forms	

Please tick your chosen option.

**Please explain your answer:**

**21. What information is collected on the application form for the interim SWF, at Annex D to the consultation paper, that you do not think is needed to assess an application?**

**22. How can the application form which is at Annex D to the consultation paper for the interim SWF be improved for the permanent SWF?**



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**[www.gov.scot](http://www.gov.scot)**

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W W W . g o v . s c o t

# DRAFT SCOTTISH WELFARE FUNDS - GUIDANCE – TO COME INTO FORCE APRIL 2016

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## **1. INTRODUCTION**

- 1.1** This guidance is issued by the Scottish Ministers under section 6 of the Welfare Funds Scotland Act 2015 (the Act). The guidance sets out duties placed on Local Authorities by sections 1 to 3 of the Act and by the Welfare Funds (Scotland) Regulations 2015 (the regulations).
- 1.2** The intention is that the Act, and regulations and guidance under the Act, will allow for welfare funds to take advantage of local delivery, while maintaining a national character. The legislation places some restrictions on how Local Authorities should operate their welfare fund, however it also allows for discretion.
- 1.3** The Scottish Government has sought to standardise the decision making and notification process for welfare funds by providing comprehensive guidance, a standard application form, and model documentation. However, Local Authorities have extensive discretion over local arrangements for delivery i.e. the arrangements for taking and processing applications and the arrangements for fulfilling grants. This allows Local Authorities to align their welfare fund with other relevant services, make effective links with local organisations and ensure that their delivery meets local needs, for example in terms of geography.
- 1.4** This guidance outlines how Local Authorities should approach decision making under the fund, to ensure a level of consistency across Local Authorities, and highlights areas where Local Authorities should use discretion in the decision making process.
- 1.5** The guidance cannot cover all eventualities. It is intended to provide a framework for decision makers to promote consistency in decision making. Decision makers should use their discretion to ensure that the objectives of welfare funds, set out at paragraph 2.1, are met. The absence of guidance on a particular situation does not necessarily mean that a grant should be refused.
- 1.6** The guidance highlights where the Act and the regulations require Local Authorities to carry out specific actions. However, Local Authorities should note the statutory nature of the guidance and their responsibility to have regard to it as required by section 6 of the Act.

## **2. PURPOSE OF THE SCOTTISH WELFARE FUNDS**

**2.1** Scottish Welfare Funds are intended to offer grants or in kind support for two purposes.

Crisis Grants to:

- provide a safety net in a disaster or emergency, when there is an immediate threat to health or safety

Community Care Grants to:

- enable people to live independently or to continue living independently, preventing the need for institutional care;
- Community Care Grants include the provision of assistance to families facing exceptional pressure.

**2.2** The grants should be available to people who do not have alternative means of paying for what they need. The Act specifies that they do not need to be paid back and that grants are intended to meet one-off needs rather than on-going expenses.

### **Crisis Grants**

**2.3** 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. In the case of an emergency, only living expenses should be awarded, and in the case of a disaster, both living expenses and household goods may be awarded.

### **Community Care Grants**

**2.4** A Community Care Grant can be awarded where it appears to the Local Authority that the grant will:

- help people establish themselves in the community following a period of care or imprisonment where circumstances indicate that there is a 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 a risk of the person not being able to live independently without this help;
- help people set up home in the community, if they have just received or are about to receive support to sustain a tenancy (formerly referred to as a re-settlement programme), following an unsettled way of life;
- help families facing exceptional pressures;
- help people to care for a prisoner or young offender on temporary release.

**2.5** We anticipate that likely users of Welfare Funds (though not an exhaustive list) will be:

- disabled people;
- people with mental health problems;
- lone parents;
- unemployed people;
- older people;
- care leavers;
- homeless people;
- offenders and ex-offenders;
- people experiencing addiction problems;
- carers.

## **A HOLISTIC APPROACH**

**2.6** It is not intended that Crisis and Community Care Grants should duplicate other provision. In particular, grants should not be substituted for support provided under established community care arrangements. Local Authorities will need to consider how the grants fit with their existing services where these offer help to similar client groups. In particular, they will need to consider social work services, including crisis payments made under section 12 of the Social Work (Scotland) Act 1968, support for young people leaving care and through care and aftercare for ex-offenders, to ensure that the support provided is complementary.

**2.7** They will also need to ensure consistency with tackling homelessness, housing and housing adaptation services, and any support provided by registered social landlords. Local Authorities should make links with Community Planning Partners, Citizens Advice Bureaux, third sector organisations, advice agencies, credit unions and other sources of affordable credit, to connect with the services and support they provide.

## **Local Authority Responsibility as Corporate parents**

**2.8** While delivering their Welfare Funds, Local Authorities should be mindful of their role as corporate parents, as defined in Part 9 of the Children and Young People (Scotland) Act 2014 (CYP Act), and ensure that their arrangements for their welfare fund will help them discharge their corporate parenting duties.

**2.9** The CYP Act specifies that corporate parenting duties apply to: (1) looked after children, at any age; (2) care leavers between the ages of 16 and 26; (3) *persons who between their 11th and 16th birthdays were, but are no longer, looked after by a local authority for periods of time which, when aggregated, total not less than 2 years, between the ages of 16 and 26.*

**2.10** Local Authorities should make sure that their processes take account of their own policies relating to their role as corporate parents which, in turn, should take into account Scottish Government guidance on corporate parents.

{NOTE – insert link to the guidance the Scottish Government is consulting on when published – the consultation is available at - <http://www.gov.scot/Publications/2014/12/2912/1> }

## **Other agencies**

**2.11** Local Authorities should make connections with other agencies to link to other relevant services for applicants which may build their capacity in the longer term. Citizens Advice Bureaux offer a holistic service which may be particularly useful in this regard. By working in partnership with other local agencies, Local Authorities will be able to facilitate contact for applicants with other support agencies, in some cases for the first time. This wider support may help to prevent repeat applications in the longer term. Applicants may benefit from:

- 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 including, but not limited to, housing support services for tenancy sustainment, advice on landlord/tenant disputes and home ownership issues;
- Signposting to other services and other information (including information about fuel efficiency, loft insulation, safer homes, the value of home contents insurance etc.);
- Mediation and advocacy support (including citizens advice and welfare rights);
- “Resilience” support (including befriending, building local networks, education training and employability support).

**2.12** The Department for Work and Pensions (DWP) is key component in the local network for the provision of mainstream benefits and short term benefits advances, as is the Flexible Support Fund for applicants who are moving into work.

## **Links to DWP Benefits and other payments**

**2.13** DWP will continue to deliver a range of complementary support dependent on the circumstances of the individual, for example Hardship Payments which may be paid to people in vulnerable groups who are more likely to suffer hardship if Jobseekers Allowance is not paid; Budgeting Loans or budgeting advances for those on Universal Credit, including for alignment. There will be no effect on any other benefit from having a Community Care Grant or Crisis Grant.

**2.14** Local Authorities will need to maintain a good working relationship with DWP in order to avoid confusion, repeated cross referrals and poor service to applicants. There are identified DWP single points of contact in each area and Welfare Fund teams should maintain regular contact, highlighting issues as they arise. Local Authorities may wish to provide publicity materials to local Job Centres to ensure that applicants are aware of who to contact.

**2.15** Welfare Fund Community Care Grant and Crisis Grant payments are disregarded for calculation of Council Tax Reduction and Legal Aid and will be treated as not liable to income tax. In the case of bankruptcy, [guidance for Trustees](#) states that awards are

provided for reasons of hardship of the debtor and that the trustee should consider this before taking them into the sequestration.

### **Where an applicant is seeking to make an application for a Crisis Grant and has an outstanding benefit claim**

**2.16** Local Authorities and local DWP offices should seek to make sure that entitlement to a DWP payment is realised before recommending an application for a Crisis Grant for living expenses, where this arises as a result of non-payment of benefits. However, applicants are not required to have made an application for a Budgeting Loan before they apply for a welfare fund grant. Budgeting Loans are not provided to cover living costs.

**2.17** DWP can provide short term benefit advances when an applicant is eligible for an advance on benefit before it is paid.

**2.18** Where the Local Authority considers that the need is severe, it should make an exception and make a Crisis Grant payment while an application to the DWP is still in progress. This may arise, for example, when an application has been lost in the DWP system and an applicant has to re-apply.

### **Sanctions and Disallowances - Crisis Grants**

**2.19** Welfare Funds grants are intended to meet one-off needs and cannot provide an alternative source of regular income for those subject to DWP sanctions or disallowances. Applicants should be encouraged to engage with DWP to find a sustainable longer term solution, for example appealing the sanction, applying for a hardship payment or meeting the requirements attached to the sanction.

**2.20** However, applicants subject to a suspension, disallowance or a sanction by DWP can apply for Crisis Grants and Community Care Grants, in the same way as any other applicant.

**2.21** Local Authorities should consider eligibility and prioritisation in the normal way, as set out in the decision making process at section 5 of this guidance. The reason for the sanction or the way it has been applied should not be taken in to consideration in assessing the application.

**2.22** The DWP target time for making a decision on a suspension is 48 hours, therefore any award for a suspension should not extend beyond that timescale in the first instance. If an applicant is subsequently sanctioned, or disallowed and they make a further immediate application for assistance this should be treated as being one application for the purposes of calculating the number of times an award has been made.

### 3. FINANCIAL MANAGEMENT OF WELFARE FUNDS

**3.1** In order to achieve consistency of service provision across Scotland, Local Authorities should apply a financial management approach to managing Community Care Grant and Crisis Grant budgets that is based on similar principles across Scotland.

**3.2** It is expected that Local Authorities should manage expenditure in such a way as to ensure effective budgetary management of funds over the financial year.

**3.3** Local Authorities should establish and monitor at least two budget headings for “Community Care Grant Provision” and “Crisis Grant Provision”; further derivatives of these may also be of benefit to a service provider and be appropriate and helpful to individual Local Authorities. The original budget for Community Care Grants and Crisis Grants will be the baseline allocation for each individual Local Authority.

**3.4** Local Authorities are free to vire between Community Care Grants and Crisis Grant budget headings without restriction. It is, however, an aim of the national scheme over time to seek a real terms reduction in expenditure on crisis and witness an increase in proportion of such expenditures as are necessary on preventative spend in terms of Community Care Grants.

**3.5** Although the application of virement can be helpful for monitoring purposes, Local Authorities should take decisions to apply priorities and cap spend at Welfare Funds level within the Authority. (i.e. Community Care Grants & Crisis Grants collectively). This means that expenditure on Crisis Grants cannot be suspended whilst resources remain within the Community Care Grant budget heading.

**3.6** It is envisaged that budget holders will assess the demand pattern of actual activity against budget profile on a month to month basis throughout the financial year and make a monthly decision accordingly on whether it is possible to make awards for high priority applications only, high and medium or high, medium and low.

**3.7** The priority can be set at different levels for Community Care Grants and Crisis Grants. We would not expect Local Authorities to reject any application which has been judged to match the priority level applying at the time the application is considered, if funds remain in either the Community Care Grant or the Crisis Grant budget headings.

**3.8** In particular, it is expected that Local Authorities should manage expenditure to ensure that high priority Crisis Grants can be met over the financial year in accordance with the priority ratings at paragraph 5.7.

**3.9** If a Local Authority were to encounter very high levels of demand, such that there is a real risk that the fund will be exhausted before the end of the financial year, they may make use of a “high most compelling” priority rating. Under this rating, in order to be successful:

- the applicant’s need would be judged to be immediate and extremely severe;
- the applicant is judged to be highly vulnerable and at immediate risk;

- an award for the item or money requested would have a substantial, immediate and sustained effect in resolving or improving the health and wellbeing of them or their family; and
- there will be significant and immediate adverse consequences if the item or money is not provided.

**3.10** Local Authorities are expected to manage their budget throughout the year in line with the principles outlined in this guidance. The high most compelling priority rating should not be used throughout the year. It should only be adopted late in the financial year or potentially after an event which has increased demand on Local Authority budgets e.g. flood causes demand to rise significantly in a particular area, in order to be able to maintain payments until the end of the period.

**3.11** Local Authorities who adopt the high most compelling rating should make stakeholders in their area aware of the adoption of this priority level and how long this is likely to be in place, to ensure customers are adequately supported.

**3.12** The Act provides for Local Authorities to augment their Welfare Fund budget should they choose to do so. In so doing, Local Authorities would require to establish a further budget heading(s) as there will be a need to monitor and report on the monies provided by the Scottish Government separately.

**3.13** If appropriate, Local Authorities should carry forward unused budgetary resource or overspend within the Welfare Fund within the context of their own arrangements.



## **4. ADMINISTRATION / APPLICANT JOURNEY**

**4.1** The Local Authority will determine where the application and processing of the Welfare Fund should sit in relation to other services, taking any steps deemed appropriate to ensure separation of duty and integrity of award. Local Authorities should take steps to ensure that relevant organisations in their area are aware of their approach and processes for administering their welfare fund. This includes a presence on the Local Authority website.

### **Residence of applicants**

**4.2** The regulations specify that, subject to the exceptions noted in Section 6 below, a Local Authority may provide assistance out of its Welfare Fund only to a person who is resident in the Local Authority area, is about to become resident in the Local Authority area, or a person who is homeless.

**4.3** Local Authorities can also provide assistance from their Welfare Fund, in the form of a Crisis Grant to assist the applicant to return home, where a person is stranded in the Local Authority area, or provide assistance where exceptional circumstances justify this.

**4.4** It is for Local Authorities to determine and record the exceptional circumstances that they have considered when making an award to someone who does not fit the criteria described in 4.2 above.

**4.5** If a person from outwith the Local Authority area seeks to make an application, the Local Authority can refer them to their home Local Authority.

**4.6** Where an applicant is moving to a different Local Authority area and applies for removal costs, or Community Care Grant items, the Local Authority that they are moving to should consider the application.

**4.7** 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 the person is homeless, they should be treated as though they live in the Local Authority.

**4.8** Where a person has been assessed as homeless by a Local Authority, they are legally entitled to be provided with accommodation by that Local Authority and therefore likely to have an address in that area. If the person has been assessed as unintentionally homeless by a Local Authority they are entitled to settled accommodation in that area if they have a local connection with the area (but may be waiting for this in temporary accommodation). If assessed as intentionally homeless, they will be entitled to temporary accommodation. In either case they will have an address.

**4.9** In some cases, temporary accommodation may be provided outwith the Local Authority area where the assessment has been made, in which case they should apply to the Local Authority where that address is. If the applicant is sleeping rough, they may be able to use a contact and care of address from a local third sector organisation. An application should not



be rejected solely on the basis that the applicant does not have an address; further investigation is required to determine eligibility.

## **How applications are made**

**4.10** The Scottish Government website provides contact details for Welfare Funds in each Local Authority. Local Authorities have discretion on where in the organisation they process applications and how they link the scheme to existing services. Where possible, Local Authorities will work with applicants to identify any other support they may need or be entitled to and refer them to relevant services to help solve any underlying problems.

**4.11** The process for application will depend on the Local Authority's approach to wider service delivery and the infrastructure it has in place. Local Authorities will need to weigh up the cost of providing services with the benefits of each channel, for example in assessing need and identifying underlying issues.

**4.12** Local Authorities should make provision for applications to be taken via three delivery channels – online, on the phone and face to face, in order to meet varying needs, for example in terms of literacy, access to and skills to use the internet and the ability to travel to appointments. At a minimum, Local Authorities should provide a face to face option for more vulnerable individuals and people who have support needs or impairments.

**4.13** Paper applications should be accepted from people, such as prisoners who do not have access to online or phone application processes.

**4.14** The Scottish Government would like to draw the attention of Local Authorities to the Principles of Inclusive Communication <http://www.scotland.gov.uk/Publications/2011/09/14082209/0> and encourage them to use these in planning and reviewing their channels for delivery, with a view to reducing the barriers to access and meeting the needs of all applicants. This would include the appropriate range of formats for various documentation, including decision letters.

## **Support for Applications**

**4.15** Ideally, applications should be made by applicants themselves in order to promote individual responsibility but local advice agencies may provide support in the process. A supported application may be appropriate in a situation such as, where children are on compulsory supervision orders at home due to parental neglect. In this example a person supporting the family would assist with the application (albeit in the parents name) for assistance via the Welfare Fund. An award could then be made by way of a supervised spend to the person supporting the family (cash pay-out) and/or delivery organised via support person for goods.

**4.16** Where an applicant has been supported in making an application, a Local Authority should establish with the applicant if they wish a decision letter or other correspondence to be copied to the agency/person that provided support to the applicant.

**4.17** The regulations also allow for applications to be made on behalf of another person. If an application is made on behalf of a person, by someone other than an appointee, that

person should be required to give their consent to the application being made on their behalf in writing. Local Authorities may make an exception if this is an unreasonable demand on the applicant.

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

**4.18** Decision makers should clearly document the reasons for their decisions. This includes how they have used or evaluated the evidence to decide on the eligibility and priority of the application. The Welfare Funds are discretionary and decision makers should document their reasons for making decisions in case a review is requested, recording any reasons for deviating from the guidance.

**4.19** Decision makers should make sure that they:

- have considered the Welfare Funds regulations, guidance and any local policies relating to it (i.e. – payment of cash only, provision of vouchers etc.);
- 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 into account and have not taken any irrelevant information into account;
- seek information to fill any gaps in evidence;
- give the applicant an opportunity to make their case and respond to any apparent conflict in evidence;
- have properly used their discretion to consider the case rather than following guidance or policy or administrative rules of thumb, in an unquestioning way;
- make a reasonable and fair decision, based on all the facts of the case, in keeping with the laws of natural justice;
- keep an open mind and focus on the need identified by the applicant and the overall objectives of the Welfare Funds.

**4.20** It should be possible to make a decision based on the information gathered in the application process. 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, the information provided during the application process is true.

There are questions in the Consultation on Regulations and Statutory Guidance under the Welfare Funds (Scotland) Act 2015 relating to the standard application form. Please consider this section in light of part 4 of the consultation document, and provide your views in the consultation questionnaire.

**4.21** 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. When this type of contact takes place, it should be recorded.

**4.22** Decision makers should be mindful of using social media sites such as Facebook to gather information. It is possible that the account they propose to access, and the information it contains, may or may not have been put there by the individual and therefore

the amount of weight you can attribute to it is limited. 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. Where there is a change of circumstances or new information becomes available during the course of an application, decision makers should follow the guidance under section 9.13 – 9.16 as change of circumstances or new information may become available without application going to First Tier Review.

**4.23** Applicants should be treated fairly and openly. It is important that they understand what evidence they need to provide to support their application. It is also important that, where evidence is counting against their application, they are told what it is and have an opportunity to explain further.

**4.24** Applicants should not be asked for evidence which would cause them to incur an unreasonable expense. They should not be asked 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. If the applicant refuses to give further information, a decision should be made on the basis of information that has been gathered during the initial application. 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, efforts should be made to provide appropriate support so that the necessary information can be gathered and a well informed decision can be made.

**4.25** If the information could be obtained from another source, such as a support worker or nurse, the decision maker could, with the applicant's permission, approach other such people to obtain supporting information.

**4.26** "Right First Time", produced by the Scottish Government, looks at how public bodies can save money and improve service to applicants by making fewer mistakes or poor decisions. It also sets out a checklist of questions for decision makers and managers at each stage of decision making. The full report is available at: <http://www.scotland.gov.uk/Publications/2010/02/23134246/0>

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

**4.27** The regulations require that the following should be recorded during the consideration of an application:

- details of the application;
- application date;
- decision date;
- a summary of the key facts taken into account in making the decision;
- any information gathered that was actively disregarded;
- any contact with the applicant in addition to the application form;
- decision made;

- and the reason for the decision.

**4.28** Decision making documentation should be retained for 6 years in addition to the current financial year, in line with current retention policies for Housing Benefit and Council Tax Benefit, and made available if there is an application for review. Decision makers may also wish to gather supporting documentation from applicants, for example a police report where the need arises because of a crime.

## **Communicating the decision**

**4.29** The regulations require that all applications should receive an official decision that is communicated to the applicant in writing unless the applicant requests otherwise. The decision in writing must include information on:

- details of the application;
- the date of the application;
- the date of the decision;
- the reasons for the decision;
- details of any assistance awarded;
- and how the applicant can ask for the decision to be reviewed.

**4.30** Crisis Grant decisions should be given as quickly as possible, by phone, if possible to ensure that the applicant knows the outcome. Text and email may be used if there is a way of ensuring that the applicant is receiving the message sent. Decisions given by phone should be followed up with a letter.

**4.31** If an applicant has particular needs due to a disability or an impairment, for example vision, cognitive or hearing impairments or a learning disability, efforts should be made to communicate the decision in a way that meets their needs.

**4.32** It is very important that applicants are given an accurate reason for their application being rejected, even if this touches on sensitive issues. Staff delivering bad news to applicants should bear in mind the severity of their circumstances, treat them with respect and seek to understand the position that they are in. The information offered should be clear and concise. Where possible, alternative forms of support available locally should be suggested but only where there is some probability of success.

## **How grants are fulfilled**

**4.33** It is up to Local Authorities to decide how best to fulfil Community Care Grants. This can be by providing cash, cash alternatives or goods. The regulations require Crisis Grants to be made in cash, or cash equivalent, unless there is evidence to suggest that it would be to the advantage of the applicant to have an award made in a different way.

**4.34** The Act allows Local Authorities to pay third parties to arrange for them to provide goods or services to successful applicants for assistance.

## **Supervised Spend**

**4.35** 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.

### **Consistency in Awards**

**4.36** Local Authorities may 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. Local Authorities may wish to construct their own lists based on their contracts or prevailing prices in their local economies taking into account varying costs of delivery.

**4.37** 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, the Local Authority should 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.

### **Goods or Cash**

**4.38** Local Authorities 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.

### Crisis Grants

**4.39** For Crisis Grants the regulations require Crisis Grants to be made in cash, or cash equivalent, unless there is evidence to suggest that it would be to the advantage of the applicant to have an award made in a different way. This means that Crisis Grants must be made in cash, or cash equivalent. A cash equivalent is something that does not limit the recipient as to where they can spend an award or what they can spend it on. Examples of cash equivalents could be – prepaid debit cards, payments directly into bank accounts.

### Community Care Grants

**4.40** Local Authorities have discretion on the type of support offered for Community Care Grants, i.e. Local Authorities can offer assistance in kind rather than cash – this may enable them to gain 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 or white goods.

**4.41** In making these decisions, the Local Authority will need to balance the needs of the applicant against the money remaining in the budget. Factors to take in to consideration are:

- 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 or collect an award and the delivery costs associated with delivery of bulky goods;
- What infrastructure or contracts the Local Authority has 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 through repeated applications 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;
- Energy efficiency of the products being chosen – where possible, white goods should be A rated.

**4.42** In making any sort of award that is not cash, Local Authorities should be aware of the stigma attached and take any steps they can to minimise this.

### **Food banks**

**4.43** Local Authorities should not use food bank referrals to fulfil a grant award. If an application has been unsuccessful, Local Authorities may consider signposting to local food banks to meet the applicant's immediate need as part of the wider holistic service.

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

**4.44** If a Local Authority chooses to award goods rather than cash, the goods should be charged to the budget at their actual cost, the actual cost of any vouchers, or the cost to the Local Authority, or a reasonable market value for any second hand goods.

### **Data Sharing**

**4.45** Local Authorities should validate the information that is collected in the application process by checking data provided by DWP. Personal information about individuals should be held in confidence, in keeping with local data protection policy and practice. Information provided in connection with an application should not be passed on without consent.

**4.46** Local Authorities should consider the legalities and practicalities of using data they already hold on applicants, to streamline the application and verification process.

### **Fraud / misuse of goods**

**4.47** Local Authorities will be pro-active in preventing fraud, sharing practice with other Local Authorities and drawing on guidance from COSLA. Where a local authority identifies evidence of fraud or misuse of the fund they may record this and take it into account in future applications. The applicant must be made aware if this is the case and be given the opportunity to explain. Local Authorities should also make appropriate links to their processes for audit, risk assessment and detecting fraud.

## Prisoners

**4.48** Local Authorities should consider the needs of prisoners in accessing their Welfare Fund and meet them where they can. There is a high incidence of literacy problems in the prison population and telephone and on-line applications are likely to be problematic. Prisoners do not have access to the internet and, while they may get access to a phone, prisons may not be able to provide the necessary supervision for the duration of the application call.

**4.49** Prison Officers, third sector organisations, social workers and other prisoners with more experience of form filling may be able to offer support. Where there are strong links with a local prison, Local Authority staff may wish to make an arrangement to provide support for applications, particularly if they have a support arrangement in place for other Local Authority services. Scottish Government has issued a stock of generic application forms to prisons so that they can be submitted to any Local Authority. Local Authorities may also want to supply their own forms where they receive a high volume of applications from one or more prisons.

**4.50** The Scottish Prison Service has agreed to meet the cost of the postage of Welfare Fund application forms to allow prisoners to submit their applications to Local Authorities. To allow for consistency of service for prisoners, the two private prisons at Addiewell and Kilmarnock have also agreed to do this.

**4.51** The Scottish Government and COSLA have produced an advice note for Local Authorities and people who might be supporting prisoners in making an application, setting out how the Welfare Funds can contribute to reducing re-offending. This includes a suggested applicant journey for prisoners and points to consider in processing an application. The note can be found at: <http://www.scotland.gov.uk/Topics/People/welfarereform/scottishwelfarefund/socialfund/Briefingnotes/Briefingnoteforprisons>

**4.52** Key points to remember for Local Authorities are:

- Involve the prisoner's named contact or mentor in the process if possible, so that they have support;
- Consider the individual circumstances of the applicant and avoid rule of thumb measures in making awards;
- Applications should not be rejected on the basis that the applicant does not have an address. Applicants should apply to the Local Authority they intend to live in;
- Consider decision in principle (see paragraph 8.33) where possible to allow applicants to plan ahead;
- Ensure awards are timely and accessible for people leaving prison in order for the grant to have the best effect;
- Send decision notices to the single point of contact in the prison in time for the applicant to ask for a review or make an alternative plan;
- Make links with local reducing re-offending projects and include relevant advice in decision letters.



## 5. THE DECISION MAKING PROCESS

### Recording applications

**5.1** Screening questions or eligibility checkers should not be used to deter applicants from making an application for Welfare Funds. Even if it seems unlikely that the application will be successful, the applicant should not be prevented from applying. A record should be kept of each application and the customer notified of the outcome and how a review can be requested. This ensures that each attempt to apply is captured in the statistical data collected and a decision maker has the opportunity to consider the case and apply discretion.

### Conditions which should be met for an applicant to be awarded a grant

**5.2** 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.

**5.3** The key test of eligibility for a **Community Care Grant** is retaining or establishing a settled way of life in the community.

**5.4** Crisis Grants and Community Care Grants can cover a wide range of personal circumstances. Whether a grant can be awarded should depend on four separate stages:

#### **5.5** Stage 1 – Initial eligibility checks:

- Verify identity and establish that the home address, or the address the applicant intends to live at, is in the Local Authority, or that the applicant is homeless;
- Check whether the applicant is on a low income or does not have access to their money;
- Check that the applicant or their partner does not have any savings or capital that excludes them for being awarded a grant (only relevant to CCGs);
- Check that the applicant or their partner does not have savings or capital or some other source of help that they could use instead. (only relevant to Crisis Grant applications);
- Check that the applicant is not being considered for a DWP hardship payment, or has an application pending for a short term benefit advance (only relevant to Crisis Grant applications);
- Check that the application is not for an excluded item, for which the regulations preclude awards being made (see Annex A);

The list of excluded items is under review as part of the Consultation on Regulations and Statutory Guidance under the Welfare Funds (Scotland) Act 2015. Please consider this section in light of part 1(f) of the consultation document, and provide your views in the consultation questionnaire.



- 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;
- Check that the application is not excluded for any other reason;
- Having a National Insurance number is not in itself a requirement for eligibility for a grant, however decision makers should be mindful of sections 6.5 and 6.6 which cover applications from people that are subject to immigration control.

#### 5.6 Stage 2 – Meeting the requirements of the grant:

- Gather evidence to check whether the applicant's personal circumstances meet the conditions for the grants;
- Check whether there is more appropriate support available to meet this need for example through other Local Authority services;
- Check whether other Local Authority services have already undertaken any assessments which might inform the decision making process.

#### Stage 3 – Prioritisation of items applied for:

**5.7** Assess whether, taking the applicant's situation and needs into account, the items applied for are of sufficient priority to warrant a payment from available funds (see section 3 regarding financial management of welfare funds). Each application should be considered on its own merits:

**5.8 First**, an application should be assessed taking into account the **nature, extent, severity and urgency** of the need, and the impact that an award would have on the circumstances of the applicant. Each item in the application should be considered in the context of the applicant's needs and should be given one of three priority ratings:

- **high** priority should be given to an item 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 should be given to an item 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;
- **low** priority should be given to an item if the nature of the applicant's 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.

**5.9** The following matrix shows the interaction between the elements of prioritisation. Real situations will not fit neatly into the boxes but the matrix can be used as a guide for decision makers to help them achieve consistency in decision making.

	High	Medium	Low
Need	Immediate Severe	Less immediate Less severe	Not time critical
Vulnerability	Highly	Moderately	Some resilience
Consequences of no grant to health/ wellbeing	Significantly adverse	Moderately adverse	No identifiable effect
Effect of grant	Immediate Substantial	Noticeable	Minor

**5.10** 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 cash.

**5.11 Second** an application should be assessed taking into account the **vulnerability of the applicant** and the likely consequences of refusal. Some examples of vulnerabilities which would give an application higher priority are set out at Annex C. This is not an exhaustive list and should not be used rigidly to prioritise applications. 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.

#### Stage 4 – checking priority levels applying at time of decision

**5.12** Finally, checking the level of priority that the Local Authority is paying out on that month and whether there is sufficient money available in the budget to pay a grant.

#### **Crisis Grant or Community Care Grant**

**5.13** It is for the Local Authority to determine whether a grant should be made as a Crisis or a Community Care Grant. If an applicant applies for one, the Local Authority may decide to award the other if it is more appropriate to the applicant's circumstances.

**5.14** Applicants may make an application for 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.

## **6. QUALIFYING CONDITIONS / EXCLUSIONS**

### **Exclusions for both Crisis Grants and Community Care Grants**

**6.1** The regulations provide that a Local Authority need not consider an application 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, where a decision has already been made and there has not been a relevant change of circumstances.

**6.2** Local Authorities should not refuse Crisis or Community Care Grants on the basis that the applicant has outstanding debts to the Local Authority e.g. Local Authority tax arrears or unpaid parking tickets. Any grant made to the individual should not be used to pay outstanding debt to a Local Authority, see exclusion 8, Annex A.

**6.3** The regulations also state that a person should not be awarded a Community Care Grant or a Crisis Grant for a range of excluded needs. These are set out at Annex A.

### **Travel Expenses**

**6.4** There is no separate criterion for awarding grants for travel expenses. Expenses for travel to a family funeral or for visits to prison or hospital do not qualify for a grant in their own right. However, if the Local Authority judges that a journey is essential in connection with a crisis, exceptional pressure or in support of independent living, they may make an award for travelling expenses under the criteria for Crisis and Community Care Grants. In these cases, awards should 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. Local Authorities may award travel vouchers.

### **Applicants subject to immigration control**

**6.5** The exclusions at Annex A include where someone named on the application has no recourse to public funds. This will be stamped in their passport or noted on a separate biometrics residence card. Making a grant to someone who has no recourse to public funds can affect their legal status. No award should be made and they should be referred to Welfare Rights for further advice.

**6.6** Applicants who are subject to a habitual residency test will not be entitled to DWP benefits while they carry out the test. During this period, the Local Authority may choose to exercise their discretion to award a Crisis Grant.

## 7. CRISIS GRANTS

### Circumstances in which a Crisis Grant may be awarded

**7.1** This section gives more information on the circumstances in which a Crisis Grant may be awarded. They are not exhaustive and decision makers may use their discretion to determine the form of support that an applicant needs. Decision makers should consider the needs, characteristics and circumstances of the individual in making a decision.

**7.2 A Crisis 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.**

**7.3** 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.

**7.4** Applicants will typically:

- not have enough money to meet immediate short term needs, and
- not have access to any other source of support, for example via an authorised overdraft, a credit union loan or family help.

**7.5** Local Authorities may signpost locally available sources of affordable credit but there should not be an expectation that applicants should take high cost credit such as doorstep lending or payday loans to cover living expenses.

**7.6** Local Authorities may query the amount applied for if it seems too much. The Local Authority should make a judgement on how much money or which items the applicant needs to get through the crisis. Paragraph 7.12 provides guidance on suggested rates of support for Crisis Grants. Where the applicant is applying for items, Local Authorities should make the award in cash, unless it would be to the advantage of the applicant to have an award made in a different way.

**7.7** The need must be current at the time of application, not an anticipated need or an application after the event, to repay expenses. 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 on-going basis. Where a family has been judged to be a family under exceptional pressure, they should be given priority for a Crisis Grant.

The Consultation on Regulations and Statutory Guidance under the Welfare Funds (Scotland) Act asks a specific question relating to priority for families facing exceptional pressure in decisions on Crisis Grants. Please consider this section in light of part 1(c) of the consultation document, and provide your views in the consultation questionnaire

**7.8** Where a crisis is a result of a gap in income of an unknown duration, for example awaiting action by the DWP, an award should usually be made for two weeks of living expenses at a time. If an applicant's circumstances have not changed and they make a further immediate application for assistance this should be treated as being a separate application for the purposes of calculating the number of times an award has been made.

**7.9** If someone on Universal Credit applies for a full month of living cost's an award should be made for the period until the next income will be received. If this is known to be a full month at the time of application, it should be paid. If the date of the next income is not known, payment should be for 2 weeks as above.

## Eligibility

**7.10** The regulations require that an applicant must be aged 16 or over, on a low income and not have any access to any other appropriate source of financial support.

**7.11** 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.**

## Income and Capital

The following section on low income is specifically under review as part of the Consultation on Regulations and Statutory Guidance under the Welfare Funds (Scotland) Act. Please consider this section in light of part 1(a) of the consultation document, and provide your views in the consultation questionnaire.

**7.12** The regulations require Local Authorities to take account of this guidance when deciding if an applicant is eligible for assistance by virtue of income or capital they may hold. Under the regulations a person entitled to one of the following benefits will be considered to have met the condition of being on a low income. However, it is not essential to be in receipt of one of these benefits to be eligible.

- an income-based jobseeker's allowance (payable under the Jobseekers Act 1995<sup>(1)</sup>);
- income support under the Social Security Contributions and Benefits Act 1992<sup>(2)</sup>;
- income-related employment and support allowance under Part 1 of the Welfare Reform Act 2007<sup>(3)</sup>;
- universal credit under Part 1 of the Welfare Reform Act 2012<sup>(4)</sup>; or
- state pension credit payable under the State Pension Credit Act 2002<sup>(5)</sup>.

**7.13** If someone is on a roughly equivalent level of income to someone on one of those benefits, they should also be considered to be on a low income. If there is some other financial issue that the Local Authority thinks should be taken into account or the applicant

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(1) 1995 c.18.  
(2) 1992 c.4.  
(3) 2007 c.5.  
(4) 2012 c.5.  
(5) 2002 c.16.

does not have access to their money for some reason, the Local Authority may make the judgement that an applicant on a higher income could still be considered for a grant.

**7.14** 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.

The assessment of applicants as individuals is under review as part of the Consultation on Regulations and Statutory Guidance under the Welfare Funds (Scotland) Act. Please consider this section in light of part 1(b) of the consultation document, and provide your views in the consultation questionnaire.

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

**7.15** A Crisis Grant should take into account any other resources the applicant can access to tide them over the crisis. This includes any form of capital or financial support, including any benefit income for the applicant or dependents.

**7.16** 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, a Crisis Grant may be appropriate in the interim.

### **Exclusions for Crisis Grants**

**7.17** The regulations specify that 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 applicant 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.

**7.18** If an applicant has received three awards in a 12 month rolling period, any subsequent applications need not be considered beyond stage 1 of the decision making process, except to ascertain whether an exception should be made to the three awards in a 12 month period restriction. Where a person is part of a couple, each partner can receive three grants in a 12 month rolling period.

The assessment of applicants as individuals is under review as part of the Consultation on Regulations and Statutory Guidance under the Welfare Funds (Scotland) Act. Please consider this section in light of part 1(b) of the consultation document, and provide your views in the consultation questionnaire.

**7.19** The regulations do allow Local Authorities to use their discretion to allow more than three awards in exceptional circumstances. This would normally be where the applicant can evidence no fault on their part. In these cases, Local Authorities will wish to seek additional evidence and/or support the applicant to identify and address any underlying problems which are resulting in repeated crisis.

## **Rates for Crisis Grant awards for living expenses**

**7.20** The amount that a person is awarded for living expenses should normally be calculated in the following way, however these rates are indicative and Local Authorities should take the circumstances of the applicant into account when assessing an application:

- For applicants who are non-householders – 30% 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;
- For applicants who are liable for rent/mortgages etc. or applicants who are without accommodation e.g. sofa surfing or sleeping rough - 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.

**7.21** A dependent child is defined as being 16 or under or aged 17-19 and still in full time education or included on their parent's benefit claim. They need not be living with the applicant all of the time. A child who has shared care arrangements may be considered to be dependent. 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 payment 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. The Local Authority 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.

## **What Constitutes an Emergency?**

**7.22** An emergency is a 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.

**7.23** The following are examples of what might be considered to be an emergency and for which a grant for living expenses may be awarded:

- where an unexpected expense has resulted in all the applicant's 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;
- where there is, or has been, a breakdown of relationships within the family, perhaps involving domestic violence;
- when a person has nowhere to stay and may resort to sleeping rough;
- when a person is stranded away from home without any means to get back;
- when an applicant is fleeing domestic abuse and needs immediate help;



- when 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;
- when 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; (see paragraph 2.16 )
- and when the applicant has a short term gap in regular income, for example due to redundancy or a significant change in working pattern.

## What Constitutes a Disaster?

**7.24** Disasters are events of great or sudden misfortune. They will normally be unforeseen and 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 for living expenses and household goods may be awarded:

- a serious flood or fire, causing substantial damage;
- loss or destruction to possessions or property for example due to gas explosion or a chemical leak.

**7.25** These are just examples; a grant would not be awarded in all of these cases. If a situation is not mentioned, it does not mean that an applicant should not be helped.

## What support will be given

This section is specifically under review as part of the Consultation on Regulations and Statutory Guidance under the Welfare Funds (Scotland) Act 2015. Please consider this section in light of part 1(d) of the consultation document, and provide your views in the consultation questionnaire.

**7.26** Applications for Crisis Grants can be made for living expenses or for essential items following a disaster. The regulations specify that Local Authorities must presume in favour of cash or cash equivalent awards for Crisis Grants unless there is evidence to suggest that it would be to the advantage of the applicant to have an award made in a different way. Some examples of living expenses, in terms of specific items and services, are:

- food;
- essential heating costs;
- nappies, toiletries;
- travel costs;
- costs, that are not covered by other Local Authority obligations relating to homelessness, for accommodation in a hostel.

**7.27** Where the application is for items, following a disaster, examples of items that might be awarded are the same as for Community Care Grants (see section 8.31).



**7.28** There should be no minimum amount for a Crisis Grant.

## **Target Processing Times**

**7.29** The regulations require Local Authorities to make a decision on Crisis Grant applications immediately after the Local Authority has received all information allowing a decision to be made, and in any event, no later than the end of the next working day.

**7.30** A working day is between 9am and 4:45pm. If an application is received after 4.45pm, it should be treated as being received on the next working day. A working day does not include weekends and bank/public holidays.

This section is specifically under review as part of the Consultation on Regulations and Statutory Guidance under the Welfare Funds (Scotland) Act 2015. Please consider this section in light of part 1(e) of the consultation document, and provide your views in the consultation

**7.31** If the Local Authority is still waiting for a piece of information that they consider to be relevant to the decision, a decision must be made by close of business on the day following receipt of an application. This means that a decision is made at the end of the day following receipt of the application on the balance of probability, based on the information held at the time.

**7.32** Where an application is for living expenses and processing takes more than 24 hours, the award should reflect the need at the time of application rather than at the time of payment. For example, if an applicant applies for living expenses for four days and it takes more than 24 hours to process the application, the award should be for four days rather than for three.

**7.33** Processing times should be measured from the date of receiving a completed application to the date the award is made. Local Authorities should consider whether it is possible and appropriate for them to offer an out of hours service for evenings and weekends depending on what other services are available locally.

## 8. COMMUNITY CARE GRANTS

### Care and the threat of Care

#### Circumstances in which a Community Care Grant may be awarded

A Community Care Grant award may be made to:

**(A) help people establish themselves in the community following a period of care or imprisonment where circumstances indicate that there is a risk of the person not being able to live independently without this help.**

**8.3** 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 are establishing themselves in the local community. They should normally have been receiving care for a period of 3 months or more, or have a pattern of frequent or regular admission to institutional or residential care clearly linked to the nature of the applicant's disability or circumstances.

**8.4** If an applicant is looking after someone and the Local Authority agrees that a contribution to 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 needs to be eligible for a grant, but the person they are caring for need not.

**8.5** Applicants should be permitted to apply for a Community Care Grant if they are still in the accommodation providing care, if they expect to be on a low income when they leave. They should be permitted to apply up to 8 weeks before they are discharged, but the Local Authority may choose to defer payment of any grant awarded to help set up home until nearer the time of leaving care or to make a decision in principle (see paragraph 8.33), payable if certain conditions are met.

**8.1** Examples of care settings that applicants may be coming from or at risk of going to in Community Care Grant applications are:

- hospital or other medical establishment;
- care home;
- hostel or shelter, including women's aid;
- staff intensive sheltered housing;
- residential or other forms of Local Authority care;
- prison or detention centre;
- supported accommodation – including care leavers in supported accommodation.

**8.2** This is not an exhaustive list. In considering a community care grant application, the threat of care need not be immediate. It may be a logical consequence of a worsening of a condition or that the applicant would not be able to maintain a settled home in the community without the items that they are applying for.

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

**8.6** 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. One of the factors the Local Authority will wish to consider is how immediate is the likelihood of going into such accommodation, and 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 minor improvements to 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 to enable them to stay in their home, including travel expenses;
- enabling the applicant to move to more suitable accommodation, to prevent admission to care;
- enabling someone to move nearer to someone who can offer them support, to prevent admission to care.

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

**8.8** 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 needs to be eligible for a grant, but the person they are caring for need not.

**(C) help people set up home in the community, if they have just received or are about to receive support to sustain a tenancy (formerly referred to as a re-settlement programme) , following an unsettled way of life.**

**8.9** If an applicant is about to move into their own accommodation following a period of homelessness, or a period where they have not had a settled address, they may be awarded a Community Care Grant. There are two conditions for receipt of the grant:

- the applicant must be vulnerable. This is determined by whether or not they have one, or some of the vulnerabilities at Annex C, in addition to homelessness, at stage 3 of the decision making process.

The list of vulnerabilities is under review as part of the Consultation on Regulations and Statutory Guidance under the Welfare Funds (Scotland) Act 2015. Please consider this section, and Annex C in light of part 1(g) of the consultation document, and provide your views in the consultation questionnaire.

- the applicant should be receiving, have just received, or be about to receive support to sustain their tenancy (formerly referred to as a re-settlement programme). This would include support such as budgeting, money management, shopping and cooking or assisting the applicant in developing the skills needed to sustain the tenancy.

**8.10** 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:

- have been living in a hostel but have now secured a tenancy and support to sustain it;
- have a history of homelessness and have secured a tenancy along with a place on a programme of support to help them develop the skills to sustain it;
- are a young person leaving residential supported accommodation who is being supported to establish an independent tenancy;
- have been in temporary accommodation and are now moving to settled accommodation, and have support in place to help them sustain their tenancy.

#### **(D) help families facing exceptional pressures**

8.11 Applicants may be given a grant to meet needs that arise out of exceptional pressure on the applicant or a member of their family. Exceptional pressure is a greater pressure than you would be under just from living on a low income. All families, especially those on low income, face pressure at various times, so that in itself is not a reason to award a Community Care Grant (CCG). However, CCGs may be awarded to ease exceptional pressures on a family, ie circumstances which put a family under greater pressure than might normally be associated with low income. Decision makers should consider the degree of this pressure in terms of its effect on the individual family as well as the type of pressure or how common it is.

Some examples of what might be judged to be exceptional pressure are:

- to meet the needs of a child where there is a risk to their health or wellbeing as a result, for example of an incident connected with chronic illness, accident or disability;
- there has been a breakdown of relationships, perhaps including domestic violence, resulting in a move or the need to move;
- a family which has previously lived in 'temporary accommodation' who have been granted a tenancy and need help to set up home;
- there is a serious problem with accommodation, which is resulting in the need for minor repairs, replacement furniture or a move.

**8.12** This is not an exhaustive list.

**8.13** A family cannot be an individual, however beyond that restriction, decision makers may use their discretion to determine what constitutes a family including, for example, but not exclusively, couples with children, lone parents with children, an expectant mother whose pregnancy has advanced to 24 weeks in which case the unborn child would be considered a child, married and unmarried couples, lesbian and gay couples in or out of a civil partnership or kinship carers, siblings, and situations where care is shared between two different carers.

Any applicant responsible for a child either all or part of the time would be part of a 'family' for the purposes of this definition.

**(E) help people to care for a prisoner or young offender or on release on temporary release.**

**8.14** Applicants may be awarded a Community Care Grant if someone is on temporary release from prison or from a youth detention centre and is going to be staying with them.

**8.15** Temporary release is when a prisoner is given unescorted access to the community. This can be for up to 7 nights, excluding travelling time, and may be repeated in the period prior to release to help prepare prisoners for their return to the community.

**8.16** The applicant will be the person the prisoner is staying with, for example their family. The applicant needs to meet the eligibility criteria, but the prisoner does not, so there is no need to establish the prisoner's financial circumstances. The grant is awarded to pay for living expenses while the prisoner is on temporary release, for example food or additional fuel consumption. Awards for living expenses should be paid at single person non-householder rate.

## **Eligibility**

**8.17** The regulations require that applicants must be aged 16 or over and be on a low income.

**8.18** The key test of eligibility for a Community Care Grant is that the application is for someone setting up or maintaining an established home in the community. There must be some risk that this may not be possible without a grant. That risk does not need to be immediate for an applicant to qualify, and decision makers should use their discretion in deciding what constitutes a 'risk' or 'exceptional pressure'.

## **Income and capital**

The following section on low income is specifically under review as part of the consultation exercise on the Welfare Funds (Scotland) Regulations. Please consider this section in light of part 1(a) of the consultation document.

**8.19** The regulations require Local Authorities to take account of this guidance when deciding if an applicant is eligible for assistance by virtue of income or capital they may hold. Under the regulations a person entitled to one of the following benefits will be considered to have met the condition of being on a low income. However, it is not essential to be in receipt of one of these benefits to be eligible.

- an income-based jobseeker's allowance (payable under the Jobseekers Act 1995<sup>(6)</sup>);
- income support under the Social Security Contributions and Benefits Act 1992<sup>(7)</sup>;

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<sup>(6)</sup> 1995 c.18.

<sup>(7)</sup> 1992 c.4.

- income-related employment and support allowance under Part 1 of the Welfare Reform Act 2007<sup>(8)</sup>;
- universal credit under Part 1 of the Welfare Reform Act 2012<sup>(9)</sup>; or
- state pension credit payable under the State Pension Credit Act 2002<sup>(10)</sup>.

**8.20** 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.

The assessment of applicants as individuals is under review as part of the Consultation on Regulations and Statutory Guidance under the Welfare Funds (Scotland) Act. Please consider this section in light of part 1(b) of the consultation document, and provide your views in the consultation questionnaire.

**8.21** If someone is on a roughly equivalent level of income to someone on one of those benefits, they should also be considered to be on a low income. If there is some other financial issue that the Local Authority thinks should be taken into account, the Local Authority may make the judgement that someone on a higher income could still be eligible for an award.

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

**8.22** 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
- over £1200 if the applicant is above pension age.

**8.23** The main examples of capital to be taken into 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;
- property other than the applicant's home.

**8.24** Certain capital assets should be disregarded. These categories of capital include:

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(8) 2007 c.5.  
 (9) 2012 c.5.  
 (10) 2002 c.16.

- 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 for a period of up to 12 months;
- payments made for expenses relating to supporting children, for example child maintenance;
- a recent grant made by any organisation for a specific purpose or purchase relating to a disabled child or person.

**8.25** Other benefit income should be disregarded for the purposes of calculating savings for a Community Care Grant application if they are earmarked for a specific purpose, for example living expenses or a specific bill payment. Types of income that should be disregarded in identifying available income are at Annex B. Only money in hand at the time of the application should be considered, not any future payments that will be made.

**8.26** Applicants are not required to have made an application to DWP for a Budgeting Loan before they apply for a Community Care Grant.

## **Exclusions for Community Care Grants**

**8.27** Local Authorities are not required to 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 for a temporary release.
- a member of a religious order who is being fully maintained by it.

The time limits mentioned above also apply to decisions in principle (see paragraph 8.33).

**8.28** The regulations specify that the length of time the applicant has received care should be:

- a period of three months or more, any part of which falls within the period of 9 months preceding the date of application **or**
- the applicant has been in a care institution for two or more separate periods within the 9 months preceding the date of application.

**8.29** In the case of prisoners, the minimum period served in civil custody (rather than sentence) should be three months. Local Authorities can use their discretion to make an award for cases that fall a few days short of the minimum period served.

**8.30** There is no limit on the number of Community Care Grants that can be awarded to an individual in a year, however the limitations on repeat applications as described in paragraph 6.1 apply.

The consultation document contains a specific question relating to the implications of restricting the number of awards for Community Care Grants to 3 awards for each applicant in a twelve month period in part 1(b). Please provide your views on this issue in the consultation questionnaire.



## **What support will be given**

**8.31** Applications for Community Care Grants which are for items and awards may be in cash or in kind. Awards for items should 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;
- connection charges for gas and electricity;
- repair of broken or faulty items or appliances.

**8.32** In making awards for storage charges, Local Authorities will need to balance the likely cost of storing goods against the cost of disposing of them and buying new goods when the applicant secures a tenancy.

**8.33** Local Authorities should make an award in principle, for example subject to the successful agreement of a tenancy, to be fulfilled at a later date or where the grant may be paid on leaving prison, where this is appropriate to the applicant's circumstances. This is to allow applicants and their support workers to plan ahead in securing furniture. Local Authorities need not make a decision in principle unless an action, such as release from prison, or the start of a tenancy, is planned within an 8 week period.

## **Target Processing Times**

**8.34** The regulations require that decisions on Community Care Grants must be made within 15 working days after the Local Authority has received all the information allowing a decision to be made.

**8.35** Processing times should be measured from the date of receiving a completed application to the date the award is made. A working day is between 9am and 4.45pm. If an application is received after 4.45pm it should be treated as being received on the next working day. A working day does not include weekends and bank/public holidays.

**8.36** Local Authorities should consider whether it is possible and appropriate for them to offer an out of hours service for evenings and weekends depending on what other services are available locally.

## **9. REVIEW**

### **First tier Review**

**9.1** If an applicant is unhappy with the outcome of their Welfare Fund application, the Act requires Local Authorities to review their decision. The regulations provide that applicants may seek, within 20 working days of being notified of a Local Authority decision, a review of the decision. Local Authorities must, under the regulations, arrange for a review of the decision to be undertaken by a decision maker who was not involved in making the original decision.

**9.2** The regulations allow a Local Authority to accept a review request made after 20 working days where it considers there are good reasons for doing so.

**9.3** The Local Authority should include the process for review in the information on the Welfare Funds pages on their website, and should ensure decision letters contain information on the review process.

**9.4** The decision on a first tier review replaces the original decision on the case, which will no longer be valid. The regulations state that a review by the Local Authority may not result in assistance awarded being reduced or withdrawn.

**9.5** The first tier review by the Local Authority offers an opportunity to “re-make” the original decision on a case, based on a thorough look at the evidence and any new information.

**9.6** The person carrying out the review will need to re-consider the merits of the case. They may need to gather additional information or evidence to do this.

**9.7** The applicant can ask for a first tier review if they want the decision that has been made on their case to be changed. For example, but not exclusively based on:

- them not agreeing with the decision on eligibility, for example due to repeat applications or the assessment of their income (stage 1 of decision making);
- them not agreeing with the decision on qualifying circumstances, for example the decision maker did not judge them to be in crisis but they disagree (stage 2 of decision making);
- they believe that the priority level allocated to their application was not appropriate/should have been higher (stage 3 of decision making);
- they believe that insufficient information was gathered during the application process to make a decision;
- the application having been refused on the grounds that there is insufficient evidence, but the applicant considers that there was;
- them not agreeing 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;
- them considering that there has been an error or failure in the decision making process.

**9.8** Review cannot be sought for administrative decisions such as the level of priority set for awards in that period (stage 4 of decision making) – see financial management at section 3.

**9.9** Applications for review should:

- be made within 20 working days of the original decision, though the Local Authority may use its discretion to allow later applications, for example when illness has prevented an application being made;
- be made in writing or by email and explain the reason for the application for a review and include any additional information to support the case;
- include any reference number and the date of the decision being questioned;
- be signed by the applicant. 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, or problems with literacy.

**9.10** Reviews of Crisis Grant applications should be carried out as soon as possible, recognising the circumstances of the applicant. The maximum processing time allowed for in the regulations, for a first tier review of a Crisis Grant application, is no later than the end of the second working day after that on which the request was received. The regulations provide that the maximum processing time for a first tier review of a Community Care Grant application should be 15 working days.

**9.11** Applicants should be notified in writing of the result of the review, giving reasons for the decision that was made. In urgent cases, the result should be given as soon as possible, by phone and followed up in writing according to the usual arrangements for notifying decisions.

**9.12** The reviewing officer should feed back to the decision maker on the outcome of the review and any key points relevant to future decision making. The review process should therefore help drive forward improvement and consistency in decision making.

### **How to treat additional information – as part of First Tier Review**

**9.13** The decision maker should ensure that they have all the necessary information before reaching a decision. Receiving new information can sometimes prompt other questions. Where new information becomes available to the Local Authority that may have led the decision maker to make a different decision if he/she had been aware of it, that information should be acted on as soon as possible. If new information is received as part of a request for a first tier review and the decision maker judges that an award should be made as a result of it, they should make the award straight away and let the applicant know, rather than waiting for any scheduled review meeting or process. The review process should be suspended but the papers held, in case the applicant still wants to pursue a review.

### **A Change of Circumstances Identified as Part of a First Tier Review**

**9.14** Similarly, if the circumstances of the applicant have changed since the date of the original application so that the decision maker would make a different decision in the new situation, the decision should be re-taken as soon as possible. A change of circumstances

is a change to the situation of the applicant which is relevant to the decision on the items they have applied for. This is information that could not have been taken into account in the original decision as it had not yet taken place, so the case should be considered as a new case.

**9.15** Examples are a new health condition or deterioration in health which makes the applicant more vulnerable, or a family breakdown which means that they no longer have access to support. The case should be entered on the system as a new case, using existing information and any additional information that needs to be gathered as a result of the change of circumstances. Again, the review process should be suspended but the papers held, in case the applicant still wants to pursue a review. This is to avoid artificial inflation of the number of reviews as a result of changes of circumstances.

**9.16** If a review decision has been correctly reached but a change of circumstances occurs after the review so that the applicant is facing a different situation, then the applicant should be advised to re-apply.

## 10 THE ROLE OF THE SCOTTISH PUBLIC SERVICES OMBUDSMAN (THE OMBUDSMAN) – INDEPENDENT REVIEW AND COMPLAINTS HANDLING

### Independent review

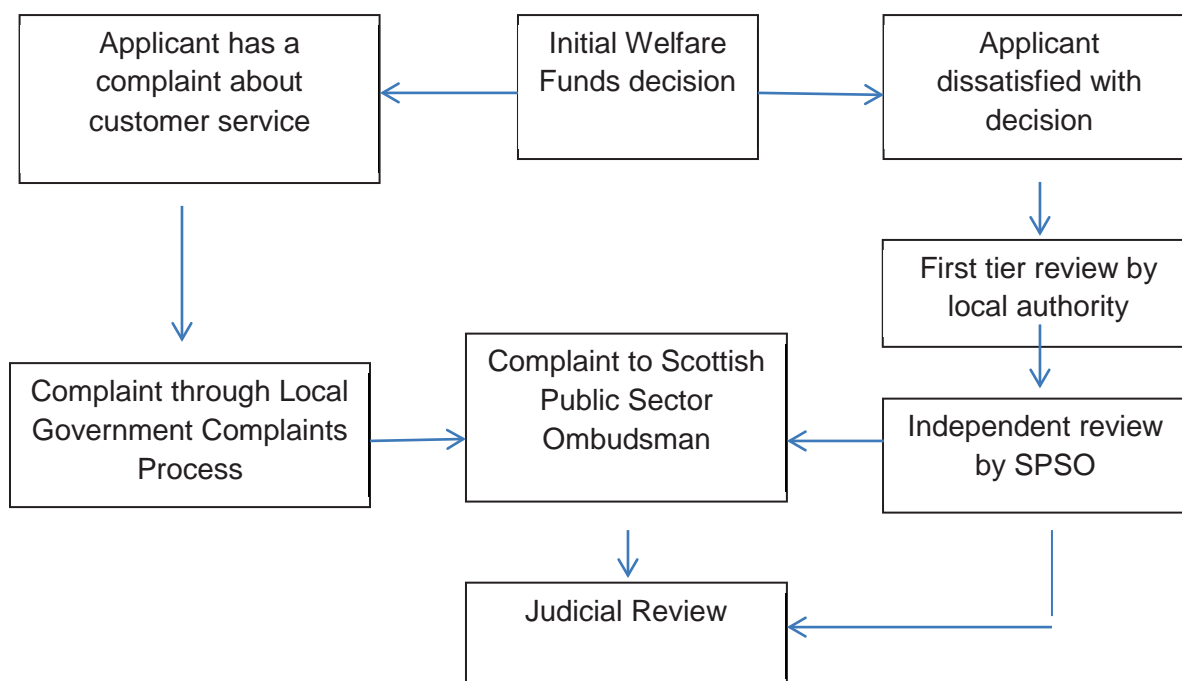
**10.1** The Act requires the Ombudsman to undertake independent reviews of Local Authority Welfare Funds decision when a request is made by an applicant to change the decision that has been made. An applicant can apply to the SPSO for independent review if they are not satisfied with the outcome of the first tier review carried out by the Local Authority.

**10.2** The Ombudsman is required, by the Act, to prepare a statement of practice setting out the approach they intend to take to conduct independent reviews of Welfare Funds decisions by Local Authorities.

**10.3** The statement of practice is available [INSERT LINK TO STATEMENT OF PRACTICE WHEN AVAILABLE](#)

POSSIBLY INSERT TEXT ON REQUIREMENTS OF LOCAL AUTHORITIES IN RELATION TO SECOND TIER REVIEW PROCESS.

**10.4** The SPSO also has a complaint handling role in relation to Local Authorities; this is distinct from their independent review function under the Act. The diagram and text below sets out how these processes work together.



## **SPSO Complaint Handling**

**10.5** If a Welfare Fund applicant accepts the decision on their application but feels they were treated badly or have other complaints about customer service or other matters that cannot be dealt with through the review process, they should make a complaint through the Local Authority's complaints process.

**10.6** All Local Authorities are now required to comply with the SPSO's model process for complaints handling. This can be found at: <http://www.valuingcomplaints.org.uk/complaints-procedures/local-authority-model-chp/>

**10.7** If the applicant is still not happy with how they have been treated, they can make a complaint about the Local Authority to the SPSO. Details of the SPSO's complaints process can be found here <http://www.spsso.org.uk/council-complaints> .

## **Judicial Review**

**10.8** If an applicant remains unhappy and wishes to challenge the decision made about his or her complaint to the SPSO, or the outcome of their independent review, they can do this using judicial review proceedings. It may also be possible to use this process to review a decision of the Local Authority. Judicial review is a form of court proceeding where a judge reviews whether a decision or action made by a public body is lawful. The applicant may want to take legal advice before deciding whether this is appropriate in his or her case.

## 11. DATA MONITORING

### Regular Statistical Monitoring

**11.1** The Scottish Government and Local Authorities are working together to collate and analyse quantitative data about the operation of the welfare funds.

**11.2** Local Authorities should work with software providers to make arrangements to capture the agreed data set as specified

at: [http://www.scotland.gov.uk/Topics/Statistics/15257/1529/Scottish Welfare Fund - dataspec](http://www.scotland.gov.uk/Topics/Statistics/15257/1529/Scottish%20Welfare%20Fund%20-%20dataspec). These data should be collected continuously through case management systems and sent to the Scottish Government in the prescribed format as requested.





## ANNEX A - 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:

WELFARE FUNDS EXCLUDED ITEM	ALTERNATIVE SOURCE OF ASSISTANCE (if appropriate)
1. a need which occurs outside the United Kingdom	1. <a href="https://www.gov.uk/browse/abroad/living-abroad">https://www.gov.uk/browse/abroad/living-abroad</a> <a href="https://www.gov.uk/browse/abroad/living-abroad">https://www.gov.uk/browse/abroad/living-abroad</a> <a href="https://www.gov.uk/browse/visas-immigration">https://www.gov.uk/browse/visas-immigration</a> .
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	School meals and clothing grants – contact your local authority regarding criteria and eligibility
3. expenses in connection with court (legal proceedings) such as legal fees, court fees, fines, costs, damages, subsistence or travelling expenses	<a href="https://www.scotcourts.gov.uk/rules-and-practice/forms/fee-exemption-forms">https://www.scotcourts.gov.uk/rules-and-practice/forms/fee-exemption-forms</a> . <a href="http://www.slab.org.uk/public/index.html">http://www.slab.org.uk/public/index.html</a>
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.	Budgeting loans can help with removal costs, <a href="https://www.gov.uk/budgeting-loans/overview">https://www.gov.uk/budgeting-loans/overview</a> .
5. a television or a radio (except where the applicant has a particular need for one, for example because of limited mobility) or a licence, aerial or rental costs, costs of	Local Charitable organisations n/a

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.	Approach your landlord/council regarding any repairs required. <a href="http://www.cosla.gov.uk/councils">http://www.cosla.gov.uk/councils</a>
7. rent in advance, which can be provided by a budgeting loan or discretionary housing payments.	Budgeting Loan <a href="https://www.gov.uk/budgeting-loans/overview">https://www.gov.uk/budgeting-loans/overview</a> , or contact your local Council for a discretionary housing payment.
8. debts (excluding pre-paid fuel meters), debt interest, debts to government departments or Local Authority tax, Scottish Water water and waste charges, arrears of Local Authority tax or community water charges	Contact your local Council, a national organisations such as debt advice, or the Citizens Advice Bureau <a href="http://www.cosla.gov.uk/councils">http://www.cosla.gov.uk/councils</a> <a href="http://www.stepchange.org/DebtadviceinScotland.aspx">http://www.stepchange.org/DebtadviceinScotland.aspx</a> <a href="http://www.adviceguide.org.uk/scotland/debt_s/debt_help_with_debt_s.htm">http://www.adviceguide.org.uk/scotland/debt_s/debt_help_with_debt_s.htm</a>
9. any expense which the Local Authority or other organisation has a statutory duty to meet, for example regular costs for care or housing	Contact your local Council <a href="http://www.cosla.gov.uk/councils">http://www.cosla.gov.uk/councils</a>
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 you are getting Income Support, income-based Jobseeker's Allowance, Employment and Support Allowance (income-related), or Pension Credit). Medical expenses, treatments, items and medications.	Contact NHS Scotland <a href="http://www.scotland.gov.uk/Publications/2011/03/30092604/0">http://www.scotland.gov.uk/Publications/2011/03/30092604/0</a>
11. domestic assistance and respite care	Contact your local Council, or national organisations which can advise and assist you, such as Care Information Scotland <a href="http://www.cosla.gov.uk/councils">http://www.cosla.gov.uk/councils</a> <a href="http://www.careinfoscotland.co.uk/can-i-get-help-with-caring/respite-care.aspx">http://www.careinfoscotland.co.uk/can-i-get-help-with-caring/respite-care.aspx</a>
12. work related expenses	Contact your employer

13. investments	n/a
14. Holidays	n/a
15. On-going needs which are, or are likely to become, a feature of expenditure.	On-going expenses fall outwith the scope of assisting with one-off needs.
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.	If travelling for medical reasons, assistance can be awarded through the NHS - <a href="http://www.scotland.gov.uk/Publications/2011/03/30092604/0">http://www.scotland.gov.uk/Publications/2011/03/30092604/0</a> .
17. maternity expenses covered by a Sure Start Maternity Grant	Information on how to access help with a sure start maternity grant can be found on the gov.uk website: <a href="https://www.gov.uk/sure-start-maternity-grant">https://www.gov.uk/sure-start-maternity-grant</a>
18. any costs related to a person's funeral	Information on how to access help with funeral costs can be found on the gov.uk website: <a href="https://www.gov.uk/funeral-payments/overview">https://www.gov.uk/funeral-payments/overview</a>
19. expenses to meet the needs of people who have no recourse to public funds	

## ANNEX B - PAYMENTS TO BE DISREGARDED FOR CALCULATING SAVINGS

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

- Housing Benefit
- Social Fund payments
- Disability Living Allowance, Personal Independence Payments, Attendance Allowance or equivalents paid through industrial injuries or war pensions schemes
- payments under Section 12 of the Social Work (Scotland) Act 1968 except where these are made for the same purpose as the application.
- 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.
- the value of the applicant's home, or premises acquired for occupation by the applicant within the next 6 months
- the value of any premises occupied by a relative or former partner of the applicant
- the value of any reversionary interest
- the assets of any business owned by the applicant
- 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
- any sum acquired on the express condition that it is used for effecting essential repairs or improvements to the home
- any personal possessions, except those acquired for the purpose of securing eligibility for a Crisis Grant
- 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
- any run-on payment of council tax discount or housing benefit
- any compensation award set aside for the replacement of lost livelihood
- any integration loan granted under The Integration Loans for Refugees and Others Regulations 2007 (SI 2007/1598).
- the mobility component of Disability Living Allowance or the mobility component of Personal Independence Payment.
- Prisoners' discharge grants

## **ANNEX C - FACTORS THAT MIGHT INCREASE THE VULNERABILITY OF AN APPLICANT**

Some examples of vulnerabilities which would give an application higher priority are set out below. This is not an exhaustive list and should not be used rigidly as a prioritisation list.

- frailty or old age, particularly restricted mobility or difficulty performing personal care tasks.
- learning difficulties
- mental health impairments
- physical impairment or disability, including sensory impairments
- chronic illnesses
- terminal illnesses
- addictions or misuse of alcohol, drugs or other substances
- being an ex-offender
- people fleeing domestic violence
- being a young person leaving Local Authority care or a special residential schools
- being a young person who does not have parents or is unable to live with their parents because it would put them in danger or they have become estranged
- looking after children for a relative or friend as a kinship carer
- being a lone parent
- children living with young parents aged under 25
- children living with a disabled adult
- children living in a large family with three or more children
- experiencing family breakdown
- being a family who has been judged to be facing exceptional pressure for a CCG.
- being pregnant, recent childbirth or adopting a child
- having responsibility as a main care giver
- homelessness or repeated homelessness
- repeated failed tenancies
- an unsettled way of life (living in hostels, sofa-surfing, not having your own address)
- experiencing eviction or re-possession
- experiencing redundancy
- leaving the armed forces
- setting up an independent home for the first time
- a history of seasonal temporary or insecure work



## **APPLICATION FORM**

### **ABOUT CRISIS GRANTS AND COMMUNITY CARE GRANTS**

#### **Who can get a Crisis Grant or a Community Care Grant?**

You may be able to get a Crisis Grant or Community Care Grant if you are getting one of these benefits:

- Income Support
- income based Jobseeker's Allowance
- income related Employment and Support Allowance
- any type of Pension Credit.

You may also be able to get a Community Care Grant if you are likely to get one of these benefits when you leave care, such as a hospital, a care home or a prison. If you are not on one of these benefits, but have nowhere to turn in a crisis, the Council may decide to make an exception and award you a Crisis Grant, but this would be unusual. A Community Care Grant or a Crisis Grant may be goods or items, vouchers or cash.

#### **How we decide whether we will give you a grant**

A decision maker will look at all the information on your application before deciding if we can make a grant. There is only a limited amount of money available for payments and items so we cannot make a grant in every case.

The information you give us on the form will help us decide:

- if you qualify for a payment or items, and if so
- whether we can make a grant from the money we have in the budget and what the award should be.

You need to give us as much information as you can about how a grant would help you, either to cope with a crisis or to live independently in the community. We will use this information to decide whether or not we can give you a grant. If you do not give us the information we ask for in the form, we will not be able to give you a grant. We will check some of the information you give us, for example the benefits you are on, with DWP. We may also talk to other people about your application, for example social workers or doctors. We will only make a grant or give you items if we are sure that this is the only way that you can get the help you need. We may also decide to give you less than you have asked for.

## **How a Crisis Grant can help**

A Crisis Grant is to help someone pay for the things they need to prevent harm to their or their family's health or safety because of an emergency or disaster.

### **What you should not apply for:**

You should not apply for a Crisis Grant if you have:

- other money that you can use for the things you need
- already had three Crisis Grants or awards made to you in the last 12 months. This does not include Social Fund applications before April 2013
- applied for a Crisis Grant for the same things within the last 28 days and nothing has changed.

## **How a Community Care Grant can help**

A Community Care Grant is to help a person with things they need to live independently in the community rather than having to live in care. This could be because they are:

- setting up in the community after a period in care
- want to stay in the community rather than having to go into care
- taking part in a planned re-settlement programme after an unsettled way of life
- a family facing exceptional pressure, for example because of family breakdown, and need help to provide a safe and secure environment for their children
- caring for a prisoner or young offender on release on temporary licence.

Crisis Grants and Community Care Grants do not have to be paid back.

### **What you should not apply for:**

You should not apply for a Community Care Grant if you:

- have savings of £700 or more and you are under pension age, or savings of £1200 or more and you are over pension age. Your application for a Community Care Grant will not be successful unless there is a reason why you cannot use these savings
- are in care, are not leaving care within 8 weeks or have not been in care for 3 months or more
- have applied for a Community Care Grant for the same things within the last 28 days and nothing has changed.

## **Help from other sources**

The DWP is still providing Budgeting Loans or may be able to give you a short-term Advance on Benefit. If you don't think you would get a Crisis or Community Care Grant or benefits from the DWP but still need help, a Citizens Advice Bureau, your Council or a local welfare rights organisation may also be able to offer you advice. You can find your local Citizens Advice Bureau in the phone book or at this website:

**[www.cas.org.uk/bureaux](http://www.cas.org.uk/bureaux)**. You can find out more about local welfare rights organisations on the Rights Advice Scotland website at **[www.rascot.co.uk](http://www.rascot.co.uk)**.



## **FILLING IN THE FORM**

### **What you will need to fill in this form:**

- your National Insurance number
- details of money you receive
- contact details for people who are helping you who the Council may want to contact
- information to prove that you are who you say you are, and
- other documents that give information about your situation, such as the police incident number if you have reported a crime.

### **If you need help to fill in the form**

This form should be filled in by the person making the application. If you need help to fill in this form, you can ask someone else such as a friend or relative, or you can contact your local Council or Citizens Advice Bureau. You still need to sign the declaration at Part 6 yourself.

### **Applying on behalf of someone else**

If you are applying on behalf of someone else who is unable to fill in the form, you should complete the relevant part of section 6 and ask them to sign the section which authorises you to apply on their behalf. We will then deal with you in future. You should complete the form with the details of the person you are acting for.

### **About the form:**

This form is in six sections:

Part 1. General information about you and your family

Part 2. About money you have and receive

Part 3. What type of grant you are applying for and why

3a – Crisis Grant in a Disaster

3b – Crisis Grant in an Emergency

3c – Community Care Grant

Part 4. Other information that will help us to make a decision

Part 5. About other support you receive or might want to receive

Part 6. Declaration and what happens next

You should fill in Parts 1, 2, 4, 5 and 6. You should also complete the section of Part 3 which is about the grant you are applying for. Please complete the form in black ink. If you need extra space, please use the blank page at the beginning of this form.

### **Receipts**

If you are awarded a Crisis Grant or Community Care Grant you may be asked to provide receipts to show you have bought the items your grant was awarded for. Please make sure you keep your receipts.

### **Review**

If you do not agree with the decision made on your application, you can ask for a review. Details of who to contact are at the end of this form.

**BLANK PAGE/ADDITIONAL SPACE**

## APPLICATION QUESTIONS

### Part 1. General information about you and your family.

Please give us some information about you, your partner if you have one, and the other people who live in your house with you.

	You	Your partner
Title		
Surname		
Other surnames you have used		
All other names		
Your current address		
If you have been at this address for less than 3 months, please give your previous address		
National Insurance number		
Date of birth		
Sex	Male <input type="checkbox"/> Female <input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/>
A daytime phone number so that we can contact you if we need more information	Main contact number	Main contact number
	Other contact number	Other contact number
Email address		
What is the best way to contact you?		

**About your home.**

What sort of place do you live in? Please tick one from this list:

Rent from the Council	<input type="checkbox"/>	<input type="checkbox"/>
Rent from a private landlord	<input type="checkbox"/>	<input type="checkbox"/>
Rent from a housing association	<input type="checkbox"/>	<input type="checkbox"/>
A hostel	<input type="checkbox"/>	<input type="checkbox"/>
Bed and breakfast	<input type="checkbox"/>	<input type="checkbox"/>
Caravan or mobile home	<input type="checkbox"/>	<input type="checkbox"/>
A residential/care home	<input type="checkbox"/>	<input type="checkbox"/>
A residential school or children's accommodation	<input type="checkbox"/>	<input type="checkbox"/>
Supported accommodation, for example sheltered housing or housing with support after being homeless	<input type="checkbox"/>	<input type="checkbox"/>
Living with friends/relatives	<input type="checkbox"/>	<input type="checkbox"/>
Living with own parents	<input type="checkbox"/>	<input type="checkbox"/>
Own your home or jointly own your home, including with a mortgage	<input type="checkbox"/>	<input type="checkbox"/>
Armed Forces accommodation	<input type="checkbox"/>	<input type="checkbox"/>
A hospital	<input type="checkbox"/>	<input type="checkbox"/>
Prison or young offender's institution	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

If other, please give details:

How long have you lived here?

If your home is rented, please tell us about the landlord.

Landlord's name:

Landlord's phone number:

If you are in a prison or young offender's institution, please give your prisoner number:

What is the name of the institution you are in?

**About other people who live with you.**

Please tell us about all the people who live with you, including children that you support. A child is 16 or under or aged 17-19 and still in full-time education or included on their parent's benefit claim. This includes babies who have not yet been born so, if someone is pregnant, please include details of the baby.

Name/s	Date of birth/due date	Relationship to you	Please tick this box if you receive Child Benefit for this person
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Please continue on the blank page at the beginning of this form if you need more space.

Please tell us about any applications you have made for Crisis or Community Care Grants in the last 12 months, including when you were living in another Council area.

Was a grant given?      Yes ☐    No ☐

Have your circumstances changed since the last application?    Yes ☐    No ☐

If yes, please tell us how:

**Part 2. About money you have and receive.**

In order to get a Crisis Grant or Community Care Grant, you need to be on certain benefits. Are you or your partner receiving any of the following welfare benefits? Please tick all of the benefits you and your partner are getting or will be getting:

	You	Your partner
Income Support	<input type="checkbox"/>	<input type="checkbox"/>
Pension Credit	<input type="checkbox"/>	<input type="checkbox"/>
Housing Benefit	<input type="checkbox"/>	<input type="checkbox"/>
Council Tax Reduction	<input type="checkbox"/>	<input type="checkbox"/>
Jobseeker's Allowance (contribution-based)	<input type="checkbox"/>	<input type="checkbox"/>
Jobseeker's Allowance (income based)	<input type="checkbox"/>	<input type="checkbox"/>
Employment and Support Allowance (contribution-based)	<input type="checkbox"/>	<input type="checkbox"/>
Employment and Support Allowance (income related)	<input type="checkbox"/>	<input type="checkbox"/>
Incapacity Benefit	<input type="checkbox"/>	<input type="checkbox"/>
Disability Living Allowance	<input type="checkbox"/>	<input type="checkbox"/>
Personal Independence Payment	<input type="checkbox"/>	<input type="checkbox"/>
Working Tax Credit	<input type="checkbox"/>	<input type="checkbox"/>
Child Tax Credit	<input type="checkbox"/>	<input type="checkbox"/>
Child Benefit	<input type="checkbox"/>	<input type="checkbox"/>
Universal Credit	<input type="checkbox"/>	<input type="checkbox"/>
Carers Allowance	<input type="checkbox"/>	<input type="checkbox"/>
Pension Credit Plus	<input type="checkbox"/>	<input type="checkbox"/>
Are you or your partner waiting to hear from DWP about a claim or appeal for any welfare benefits?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Please tell us about this, for example what you applied for and when and who is dealing with your application:		

<b>About money you or your partner get regularly.</b> Tell us about your regular income, for example from Income Support, Jobseeker's Allowance, Employment and Support Allowance, Pension Credit, Child Benefit, Housing Benefit, Disability Living Allowance, interest on savings, pensions and child maintenance.						
Type of money	How much are you getting?	How often?	When was the last payment?	When will the next payment be?	Who makes the payment?	Is this money yours, your partners or held jointly?
<b>For example: Child Benefit</b>	<b>£81.20</b>	<b>Every 4 weeks</b>	<b>8/10/12</b>	<b>5/11/12</b>	<b>HMRC</b>	<b>Mine</b>

**About money you or your partner get regularly (continued).**

Have you or your partner received any money recently apart from your regular income? For example final wages, holiday pay or redundancy pay? Yes ☐ No ☐

	You	Your partner
What money did you or your partner receive? Please give details:		
Where did the money come from?		
How much did you or your partner get?		
When did you or your partner get it?		
Is there any more due?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
How much and when?		

Are you subject to any sanction or disallowance relating to DWP benefits?

This means that your benefit has been reduced or stopped even though you are still entitled to it, because of something you have done.

Yes ☐ No ☐

If so, please tell us about this. For example, the reason for the sanction, when it started and when it will finish. We will not give a Crisis Grant for living expenses if you are subject to a DWP sanction unless you are applying for food for children. We may be able to give you a Crisis Grant if you have experienced a disaster.



**About savings and other money you could use.** Please tell us about any money, savings, assets or capital that you have. This includes cash, money in a bank, building society or credit union. It might also be National Savings, Premium Bonds, stocks and shares, trust funds or endowment policies. We will not give you a grant if we think you have money that you could use, but some types of money can be ignored when we look at your application, for example business assets, rights in pension schemes, funeral plans and compensation for late payments of benefits.

	<b>You</b>	<b>Your partner</b>
Do you or your partner have any other money or savings listed above?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
If so, how much?		
Please say where the money is held, for example in a bank account or building society or credit union.		
Can you get to this money to use it?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
If No, why not?		
Is there any other money you or your partner could use, e.g. a credit card, authorised overdraft?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Please tell us about this:		
Do you or your partner own a house or property apart from where you live?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Please tell us about this:		
Can you or your partner get help from anywhere else, in cash or in kind, for example from friends and relatives, charities or benevolent funds (this might include borrowing items)?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
What have you or your partner tried?		

**Part 3. What type of grant you are applying for and why.** Please fill in the section which best fits your situation.

Are you applying for a Crisis Grant because of a disaster? A disaster is a sudden misfortune which usually causes damage or destruction to property and/or possessions, for example a flood or a fire	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please fill in Section 3a to apply for a Crisis Grant in a Disaster
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Are you applying for a Crisis Grant because of an emergency? An emergency is a sudden, urgent, unexpected event which usually needs immediate action, for example if you have lost all of your money	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please fill in Section 3b to apply for a Crisis Grant in an Emergency
--	---

Are you applying for a Community Care Grant to help you live in the community rather than going into care or staying in care?	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, from the list below, tick the reason why you are applying and please fill in Section 3c to apply for a Community Care Grant.
---	--

- |   |                          |
|---|--------------------------|
| • You need help setting up home in the community after being in care  | <input type="checkbox"/> |
| • You need help to stay in the community rather than going into care  | <input type="checkbox"/> |
| • You need help to set up home in the community as part of a planned re-settlement programme with an organisation helping you   | <input type="checkbox"/> |
| • You need help to provide a safe and secure environment for your child/children because of exceptional pressure on your family, for example because the family has broken down | <input type="checkbox"/> |
| • You need help to care for a prisoner or young offender on release or temporary licence  | <input type="checkbox"/> |

**3a. Crisis Grant in a Disaster.** Please fill in this section if you have suffered from a disaster which may cause serious damage or risk to your or your family's health or safety. You can apply for living expenses and for essential items for your home which you need as a result of the disaster.

Please tick the sort of disaster that has affected you:	fire	<input type="checkbox"/>
	major flood	<input type="checkbox"/>
	gas or other explosion	<input type="checkbox"/>
	another type of disaster	<input type="checkbox"/>

If it is another type of disaster, please say what it is:

What happened?

When did it happen?	
Did any emergency services attend?	Yes <input type="checkbox"/> No <input type="checkbox"/>
What was damaged?	
Do you have household insurance?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If Yes, are you planning to, or have you, made a claim?	Yes <input type="checkbox"/> No <input type="checkbox"/>
What money did the insurance company give you and how much is left?	
How has the disaster affected you and your family?	
If money has been spent, say what on:	
We can only make a Crisis Grant for living expenses if there is a serious risk or danger to your or your family's health and safety. Please tell us what this risk or danger is:	

**Please tell us about the things that you are applying for, how many you need; this may include costs for daily living, such as food or electricity.** As you are applying because of a disaster, you can also apply for household items which have been damaged, for example a cooker.

What do you need?	How many or how much do you need?	How much do you think it will cost?	Who will use it?
<b>For example: A cooker</b>	<b>1</b>	<b>£x plus £x delivery and £x installation</b>	<b>Me and my partner to cook for the family</b>

**3b. Crisis Grant in an Emergency.** Please fill in this section if you are applying for a Crisis Grant because of an emergency which may cause serious damage or risk to you or your family's health or safety. If you are applying because of an emergency, you can only apply for living expenses such as food or travel, not for items for your home.

Please say what the emergency is:

What happened:

If money has been lost, please say how much is missing

£

If money has been stolen, please say how much is missing

£

Have you reported the loss to the police?

Yes ☐ No ☐

Please give the incident number:

Please say how much food you have left and how long this will last:

Do you pay for your gas or electricity with a pre-payment meter?

Yes ☐ No ☐

How much credit is left on the meter?

£

How long will it last?

We can only make a Crisis Grant for living expenses if there is a serious risk to you or your family's health and safety. Please tell us what this risk is:

**Please tell us about the living costs that you are applying for and how much you need.** This may include items such as electricity or travel expenses. If you need food, please say how many days you need it for. You cannot apply for household items if you are applying for a grant because of an emergency. Please use a new line for each new thing.

What do you need?

How many or how much do you need?

How much do you think it will cost?

Who will use it?

**For example: food until next benefit payment**

**x days**

**£x**

**Me, my partner and two children**

Please go to Section 4 with other information, unless you are also applying for a Community Care Grant.

**3c. Community Care Grant – to help you live in the community rather than being in care. This includes:**

- setting up in the community after a period in care
- wanting to stay in the community rather than having to go in to care
- taking part in a planned re-settlement programme after an unsettled way of life
- a family facing exceptional pressure, for example because of family breakdown, and need help to provide a safe and secure environment for children
- caring for a prisoner or young offender on release on temporary licence.

Are you planning to move? If not, go to – Your circumstances

Yes ☐ No ☐

If Yes, please tell us the address you are moving to:

If you are moving, please tick the sort of home you are planning to move to:

A home you own

☐

Rented – unfurnished

☐

Rented – partly furnished

☐

Rented – fully furnished

☐

Other

☐

If you have ticked other, please tell us about this:

If the property is rented please tell us about the landlord:

Landlord's name:

Landlord's phone number:

### Your circumstances

Please tell us why you need help to set up or stay in the community:

Are you following a programme of support to help you re-settle in the community after an unsettled way of life? Yes ☐ No ☐

Why are you following the programme, for example is it because you have had problems with addictions, or are you following a programme of support, for example, because you have been in care or been homeless?

What does the programme of support involve?

**Please fill in this section if you need help to provide a safe and secure environment for your child or children because you are facing exceptional pressure and do not have the resources to meet these costs.**

What is the exceptional pressure that you or your family are under?

What is the impact on your child/children?

**Please fill in this section if you need help caring for a prisoner or young offender on release on temporary licence.**

Name:	
Date of birth:	
Their relationship to you:	
Name of institution:	
Their prisoner number:	
What date does the leave start?	
What date does the leave finish?	

**Tell us about the things that you are applying for.** This may include items such as a bed, bedding, clothes or items for the kitchen such as a cooker. It may also include services such as removals or travel costs. If you are given a grant, you may be asked to provide receipts to show that you have bought the items the grant was awarded for. Please make sure you keep receipts.

Please tell us as much as you can about how these things will help you.

- If you need to replace something, tell us what is wrong with the one you have and why you need to replace it.
- If you need something for the first time, tell us why you need it. Please tell us exactly what you need, for example, if you need clothing, what type of clothing you need.
- For things like curtains and carpets, tell us the sizes of the window or room they are for.
- If you need something with special features or adaptations, tell us what these features are and why you need them. If you need more space to tell us about what you need, please continue on the blank page at the beginning of this form.



What do you need?	How many or how much do you need?	How much do you think it will cost?	Who will use it?
<b>For example: A new winter jacket because I have put on weight while I was in care and the old one doesn't fit any more</b>	<b>1</b>	<b>£x</b>	<b>Me</b>
<b>Please tell us about any organisation that is helping you either to set up in the community or to stay in the community.</b>			
Please give the name of the organisation helping you:			
Please give the name of the person helping you:			
Please give the phone number of the person helping you:			
How are they helping you?			

**Part 4. Other information that will help us to make a decision.**

When we decide whether or not to give a grant, we look at how much difference a grant will make to the person applying or the person they care for. This means that we need to know about any problems, difficulties or special circumstances for you or the people you live with. We also need to know about changes in your circumstances. Please answer the questions below, telling us about things that are affecting you, how they have affected you and what help or treatment you have had. Please also tell us if you have had to spend extra money because of these problems.

What will happen if you do not get a grant?

Please tell us if you or someone named in the application has health problems such as chronic or terminal illness, disability for example deafness or blindness or any medical condition:

Please tell us if you or someone named in the application has mental health problems:

Is there any reason why you would need a special type of the item that you have asked for, for example do you need an adaptation to the things you have asked for because of a disability? Yes ☐ No ☐

Please tell us about this:

Please tell us if you or someone named in the application has learning difficulties or physical impairments:

Please tell us if you or someone named in the application has problems with addictions or substance misuse:

Please tell us if you or someone named in the application has problems because of age, for example difficulty in getting around or needing help looking after themselves:

Please tell us if you or someone named in the application has been recently homeless and how this happened. Please give the dates:

Please tell us if you or someone named in the application has had a significant changes in circumstances, for example redundancy, eviction or repossession or leaving the Armed Forces:

**Other Information -** Please use this space to tell us about anything else you think we need to know about that you have not already mentioned in the form. These may be things like family problems, poor living conditions or coping after a disaster. Tell us about anything that makes your situation unusually hard to cope with and why:

**Part 5. About other support you receive or might want to receive.**

We may know about other services that you would find useful. Please let us know about services that you are already using.

Did someone help you to fill in this form, for example a friend or family member or an advice worker?	Yes <input type="checkbox"/> No <input type="checkbox"/>
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Are you or your partner in contact with other services, for example social work, housing, welfare rights, healthcare or others?	Yes <input type="checkbox"/> No <input type="checkbox"/>
---	--

Please tell us why you are in touch with this service or services:

Organisation/Department	Name of person	Phone number

Would you like an advice worker to check that you are getting all of the benefits that you are entitled to?	Yes <input type="checkbox"/> No <input type="checkbox"/>
---	--

Do you find it difficult to pay your debts? Would you be interested in speaking to a debt adviser?	Yes <input type="checkbox"/> No <input type="checkbox"/>
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Do you think you would find some advice on money management helpful?	Yes <input type="checkbox"/> No <input type="checkbox"/>
--	--

If you have answered Yes to the questions above, we may give your details to someone who could do this for you, depending on how many people are interested in these services. This may be someone from the Council or from a voluntary organisation. Would you be happy to be contacted about these services?	Yes <input type="checkbox"/> No <input type="checkbox"/>
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## Part 6. Declaration and what happens next.

If we decide to make a grant, we may pay you a grant or give you vouchers or the items you need. If we are going to give you items or vouchers, we will contact you to arrange for delivery or collection.

### About the account you want to use

If we are going to pay cash, we may need to know your bank account details. It is very important you complete ALL boxes correctly including the building society roll or reference number if you have one.

If you tell us the wrong account details your payment may be delayed or you may lose money. You can find the account details on your bank debit card or bank statements. If you are not sure about the details, ask the bank, building society or other account provider. You can use an account in your name or a joint account.

If you do not have an account, and are not planning to open one, please tick the box and we will contact you to discuss the best way to make a payment.

If you are an appointee or a legal representative acting on behalf of the applicant, the account should be in your name only. To be paid into a credit union account you must provide the credit union account details. Your credit union will be able to help you with this.

### Account details

Name of account holder:

Full name of bank, building society or other account provider:

Sort code

Account number

Building society roll or reference number

If you do not have an account and don't intend to open one tick here ☐

## Declaration

Please read the declaration carefully and make sure you understand it before signing and dating the form. We cannot make a decision about your application unless you have signed the form. Even if someone has filled in the form for you, you must sign it if you can. Make sure that you understand what they have written before you sign the declaration. It is an offence to give false information.

**Tick one of the following:**

**This is my application for a Crisis Grant**

☐

**Community Care Grant**

☐

- I have read and understood the guidance notes that come with this form.
- I understand that:
  - the Council will use the information I have given to decide whether to award me a grant;
  - the Council will check the information I have given with the organisations I have named on the form and make any other enquiries to check that the information I have given is correct;
  - the Council will use the information and share it with other agencies, including the Scottish Government, for research and analysis to monitor this service and provide better services;
  - the Council will keep a copy of this application in accordance with its retention policy.
- I also understand that:
  - the Council may decide to make a grant for supervised spend by the Council or by another organisation;
  - the Council may require me to provide receipts for the things I buy, so that I must keep my receipts.
- I declare that, if I am awarded a grant, I will spend it on the things I have asked for.
- I also declare that the information I have given on this form is correct and complete as far as I know and believe.

Signature:

Date:

Print your name:

**If this form has been filled in by someone different from the person claiming.** If you are signing this form for someone else who cannot apply for themselves, please complete this section. You do not need to complete this section if you have helped someone fill in the form but they are signing it.

Please print the name of the person who completed the form:

Contact address:

Telephone number:

Email address:	
What is your relationship to the applicant?	
Please give the reason why the applicant was unable to complete the form:	
<p>Please ask the applicant to sign this section to give you the authority to apply on their behalf.</p> <p>I hereby authorise the person named above to apply for a Crisis Grant or Community Care Grant on my behalf. I would like them to receive all correspondence about the claim.</p> <p>Signed _____</p>	
You should complete the rest of the form with the details of the person you are filling in the application for. We will send all correspondence to you.	
<b>What to do now</b>	
<ul style="list-style-type: none"> <li>• Check you have answered all the questions and given all information requested</li> <li>• Initial any alterations</li> <li>• Check you have signed the form</li> <li>• Send or take your form to the Council you are applying to. You can find Council contact details on the Scottish Government's Scottish Welfare Fund website.</li> </ul>	
<b>Processing times</b>	
<p>If your application is for a Crisis Grant, we will process it as soon as possible. We aim for all applications to be processed in 2 working days. We aim to process Community Care Grant applications within 15 working days.</p> <p>You will receive a letter to tell you whether or not you will receive a grant. If your application is urgent, we will also contact you by phone to let you know.</p>	
<p><b>What to do if you disagree with our decision:</b> If you are not happy with the decision on your application you can ask us to look at it again. The Crisis Grant and Community Care Grant section at the Council will look at your application again to check whether they have made the right decision. You must write to us within 20 working days of the decision and tell us why you want a review.</p>	



## Helping us to improve our service

The Scottish Welfare Fund is a new fund. We want to understand how well it is working so that we can improve it in the future. We would like you to answer these questions to help us but they are not part of your application so you do not have to. If you do answer them, we will not use the answers to any of these questions to decide whether or not to give you a grant.

Would you be willing to answer some questions about your experience of using the fund? If you answer Yes, we may pass on your contact details to approved researchers to contact you direct to ask you some questions.

Yes ☐ No ☐

We want to understand who is applying to the Scottish Welfare Fund so that we can make sure that particular groups are not disadvantaged. It would be helpful if you could tick the boxes below that most closely fit you:

What religion, religious denomination or body do you belong to?

None	<input type="checkbox"/>	Buddhist	<input type="checkbox"/>	Other Christian	<input type="checkbox"/>	Pagan	<input type="checkbox"/>
Church of Scotland	<input type="checkbox"/>	Sikh	<input type="checkbox"/>	Hindu	<input type="checkbox"/>		
Roman Catholic	<input type="checkbox"/>	Jewish	<input type="checkbox"/>	Muslim	<input type="checkbox"/>		

Another religion, please write in

What is your ethnic group?

White Scottish	<input type="checkbox"/>	Chinese, Chinese Scottish or Chinese British	<input type="checkbox"/>
Other British	<input type="checkbox"/>		
Irish	<input type="checkbox"/>	Other Asian, Asian Scottish or Asian British	<input type="checkbox"/>
Gypsy/Traveller	<input type="checkbox"/>	African, African Scottish or African British	<input type="checkbox"/>
Polish	<input type="checkbox"/>	Other African	<input type="checkbox"/>
Other white ethnic group	<input type="checkbox"/>	Caribbean, Caribbean Scottish or Caribbean British	<input type="checkbox"/>
Mixed or multiple ethnic group	<input type="checkbox"/>	Black, Black Scottish or Black British	<input type="checkbox"/>
Pakistani, Pakistani Scottish or Pakistani British	<input type="checkbox"/>	Other Caribbean or Black	<input type="checkbox"/>
Indian, Indian Scottish or Indian British	<input type="checkbox"/>		
Bangladeshi, Bangladeshi Scottish or Bangladeshi British	<input type="checkbox"/>	Arab, Arab Scottish or Arab British	<input type="checkbox"/>

Other ethnic group, please write in

Do you have a physical or mental health condition or illness lasting or expected to last 12 months or more?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does this condition or illness affect you in any of the following areas? Please tick all that apply	
<p>Vision (for example blindness or partial sight)</p> <p>Hearing (for example deafness or partial hearing)</p> <p>Mobility (for example walking short distances or climbing stairs)</p> <p>Dexterity (for example lifting or carrying objects, using a computer keyboard)</p> <p>Learning or understanding or concentrating</p> <p>Memory</p> <p>Mental health</p> <p>Stamina or breathing or fatigue</p> <p>Socially or behaviourally (for example associated with autism, attention deficit disorder or Aspergers' syndrome)</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
Other, please write in	

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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2015 No.

**SOCIAL SECURITY****The Welfare Funds (Scotland) Regulations 2015***Made - - - -**2015**Coming into force**1st April 2016*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 4 of the Welfare Funds (Scotland) Act 2015 and all other powers enabling them to do so.

In accordance with section 4(5) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Welfare Funds (Scotland) Regulations 2015 and come into force on 1st April 2016.

**Interpretation**

2. In these Regulations—

“the Act” means the Welfare Funds (Scotland) Act 2015;

“care institution” means a hospital, a residential care establishment or any other institution providing care;

“community care grant” has the meaning given by regulation 6(3);

“crisis grant” has the meaning given by regulation 6(2);

“fund application” means an application to a local authority for the provision of assistance from the authority’s welfare fund.

**Age**

3. No fund application may be made by or on behalf of a person who is aged less than 16.

**Residence**

4.—(1) Subject to paragraph (2), a local authority may provide assistance out of its welfare fund only to or in respect of a person who—

- (a) is resident in the authority’s area;
- (b) is about to become resident in the authority’s area; or
- (c) is homeless.

(2) A local authority may provide assistance to a person who does not fall within paragraph (1) if—

- (a) that person is stranded in the authority's area and the assistance is a crisis grant which will assist the person to return home; or
- (b) there are exceptional circumstances justifying this.

### **Income and capital**

**5.**—(1) A local authority is not to provide assistance from its welfare fund to or in respect of a person who appears to the authority not to require that assistance by virtue of—

- (a) income being received by that person; or
- (b) capital held by that person.

(2) A local authority is not to consider a person ineligible for assistance by virtue of paragraph (1)(a) if that person is entitled to—

- (a) an income-based jobseeker's allowance (payable under the Jobseekers Act 1995(a);
- (b) income support under the Social Security Contributions and Benefits Act 1992(b);
- (c) income-related employment and support allowance under Part 1 of the Welfare Reform Act 2007(c);
- (d) universal credit under Part 1 of the Welfare Reform Act 2012(d); or
- (e) state pension credit payable under the State Pension Credit Act 2002(e).

(3) In deciding whether a person is ineligible for assistance by virtue of paragraph (1), a local authority is to have regard to any guidance about the assessment of income and capital issued by the Scottish Ministers under section 6 of the Act.

### **Types of assistance**

**6.**—(1) Assistance out of a welfare fund may be provided by way of—

- (a) a crisis grant; or
- (b) a community care grant.

(2) A crisis grant is assistance for the purposes referred to in paragraph (a) of section 2(1) of the Act.

(3) A community care grant is assistance for the purposes referred to in paragraph (b) of section 2(1) of the Act.

(4) A community care grant may be provided where it appears to the local authority that the grant will—

- (a) enable a qualifying individual who falls within paragraph (5) to establish or maintain a settled home and that without the grant there is a risk that the individual will not be able to do this;
- (b) enable a qualifying individual to maintain a settled home and that without the grant there is a risk of the individual needing to go into a care institution;
- (c) enable a qualifying individual to establish or maintain a settled home after being homeless or otherwise living an unsettled way of life;
- (d) enable a qualifying individual to maintain a settled home in a situation where that individual, or another individual in the same household, is facing exceptional pressure; or

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(a) 1995 c.18.  
(b) 1992 c.4.  
(c) 2007 c.5.  
(d) 2012 c.5.  
(e) 2002 c.16.

- (e) assist a person to care for a qualifying individual who has been released from prison or a young offenders' institution on temporary licence.
- (5) A qualifying individual falls within this paragraph if the individual—
  - (a) has been in prison or a care institution for a period of at least 3 months, any part of which falls within the period of 9 months preceding the date of the fund application in question; or
  - (b) has been in a care institution for two or more separate periods within that 9 month period.

### **Procedure for applications**

**7.—**(1) A fund application to a local authority must be made in accordance with the procedure for making an application established by that authority.

(2) Each local authority must give public notice of the application procedure established by it and such notice must include publication on a website.

### **Repeat applications**

**8.—**(1) A local authority need not consider a fund application made by or on behalf of a person who has made another fund application within the previous 28 days.

(2) Paragraph (1) does not apply where—

- (a) the second application is different in its nature from the first application;
- (b) no decision was taken on the first application; or
- (c) it appears to the authority that the circumstances of the person by or on whose behalf the applications were made have changed in a relevant respect.

### **Crisis grants – families under exceptional pressure**

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

### **Limitation on award of crisis grants**

**10.—**(1) A person is not entitled to receive in any 12-month period assistance by way of crisis grants in response to more than 3 fund applications (whether made to a single local authority or to different authorities).

(2) Paragraph (1) does not apply if the local authority considers that there are exceptional circumstances.

### **Form of crisis grant assistance**

**11.—**(1) Any crisis grant is to be provided by way of a payment to the applicant in a form which does not require the applicant to make over the payment to a particular person or otherwise to use it in a particular way.

(2) Paragraph (1) does not apply where a local authority considers that it would be of advantage to the applicant for the crisis grant to be provided in a different manner.

### **Excluded items**

**12.** Where a fund application seeks assistance in respect of a particular item and that item is listed as an excluded item in guidance issued under section 6 of the Act, no assistance is to be provided.

### **Application on behalf of a person**

**13.** If a person indicates to a local authority that he or she is content for another person to make a fund application on his or her behalf, the authority may consider an application made by that other person.

### **Decisions on fund applications**

**14.—**(1) Every decision on a fund application is to be communicated to the applicant in writing, unless the applicant requests otherwise.

(2) A local authority is to make its decision on an application for a crisis grant—

- (a) immediately after the authority has received all information allowing a decision to be made; and
- (b) in any event, no later than the end of the next working day.

(3) A local authority is to make its decision on an application for a community care grant no later than the end of the fifteenth working day after that on which the authority has received all information allowing a decision to be made.

### **Reviews**

**15.—**(1) Where a local authority makes a decision on a fund application, the applicant may within 20 working days of that decision being notified to him or her request that the authority review the decision.

(2) Any request under paragraph (1) must be made in writing and, unless the local authority considers that there exceptional circumstances, must be signed by the applicant.

(3) On receipt of a request within the time period referred to in paragraph (1) or where it considers that there is good reason to act on a request received outwith that period, the authority is to arrange for review of the decision.

(4) Review is to be carried out by a person who was not (or persons who were not) involved in making the decision.

(5) Review under this regulation may not result in assistance awarded under the decision being reduced or withdrawn.

(6) A decision on a review request is to be made—

- (a) in the case of a decision on an application for a crisis grant, no later than the end of the second working day after that on which the request was received; and
- (b) in the case of a decision on an application for a community care grant, no later than the end of the fifteenth working day after that on which the request was received.

(7) Every decision on a review request is to be communicated to the applicant in writing, unless the applicant requests otherwise.

### **Content of decisions**

**16.—**(1) Every written decision communicated under regulation 14(1) or 15(7) is to include—

- (a) details of the application;
- (b) the date of the application;
- (c) the date of the decision;
- (d) the reasons for the decision; and
- (e) details of any financial or other assistance awarded.

(2) A written decision communicated under regulation 14(1) must in addition specify the means by which, and the timescale within which, the applicant may ask for the decision to be reviewed.

### **Retention of information**

**17.**—(1) A local authority is to retain, in respect of every fund application—

- (a) the information specified in regulation 16(1);
- (b) full details of—
  - (i) facts taken into account in making a decision on the application; and
  - (ii) any information gathered in connection with the application but which the authority subsequently decided was not relevant for the purpose of making its decision; and
- (c) a record of any contact between the authority and the applicant in relation to the application.

(2) The information referred to in paragraph (1) is to be retained by the local authority until 6 years after the end of the financial year in which the fund application was made.

(3) In paragraph (2), “financial year” means a period of 12 months ending on 31st March.

St Andrew’s House,  
Edinburgh

2015

Authorised to sign by the Scottish Ministers

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*