

SIAA Response

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

21st August 2015

1) VIEWS ON POLICY ISSUES AND EQUALITIES IMPACTS

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.

There are already situations where LAs use different ways in decision making, for example to assess eligibility for social support or levels of support required. This creates a ‘postcode lottery’. The SIAA is concerned that LAs using different ways to decide whether an SWF applicant is eligible for an award will lead to inequality from area to area.

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

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

This option is by no means ideal but would go some way towards reducing the potential for inequality in decision making. However we would emphasise that LAs need to bear in mind the potential impact of decisions on particular groups such as BME people, those with disabilities including those with mental health issues and learning disabilities who are all disproportionately being affected by Welfare Reform.

b) Repeat Awards for CCGs and CGs

Some of the circumstances LAs detail regarding repeat award applications suggest some missing level of support being offered at the time of the initial award. The example 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.* – raises questions about what support, other than financial, might be needed by an individual to mitigate against this. In instances like this referral to independent advocacy could provide support to an individual to help them access other services.

2) VIEWS ON DRAFT REGULATIONS

The SIAA believes that the Regulations should include a duty on LAs to ensure that applicants are aware of and have access to, where they wish, independent advocacy when requesting a review of a decision. Individuals facing the need firstly to make an application to SWF and then if needed an application for a Review of a decision are likely to be in a position where they are vulnerable and potentially stressed and anxious, in such a situation it will be important for those individuals to have advocacy support to ensure that they clearly understand their rights and that their voice is being heard.

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.

Residence - We believe that there needs to be a clear definition of residence as we are concerned that there could be disputes about residence either between two or more LAs or an individual and a LA.

Reviews - We think that it would be helpful to make the process for an individual to ask for a review of the decision as easy and accessible as possible. The stipulation for applicants to sign a request for review may act as a barrier or cause unnecessary delay especially if a person has literacy issues and needs to get help to read and write. It would be useful also if there were a variety of different ways for people to request a review, such as over the telephone, text message or email.

Notifications of Decisions – we believe all applicants should receive written notification of the decision regarding their application, including the reason for the decision as a matter of course.

**Q20 – Should the application form for the permanent SWF be:
A combined CG and CCG application form
Two separate application forms**

In order to avoid any confusion there should be a combined CG and CCG application form.

The Scottish Independent Advocacy Alliance (SIAA) is Scotland's national membership body for advocacy organisations. The SIAA promotes, supports and defends independent advocacy in Scotland. It aims to ensure that independent advocacy is available to any person who needs it in Scotland.

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