

You have no idea how much this is going to help get me through

The outcome is much appreciated and will make a huge difference to my client's quality of life

I find speaking to some Government departments really daunting, especially when you have mental health problems, and I came off the phone thinking 'that was easy'

You're a life saver.  
Legend

I am delighted with the outcome and very pleased with the service both members of staff provided

SPSO's Annual Report on the **Scottish Welfare Fund** Independent Review Service

2017–18

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## Our values

- We work independently and fairly
- We are people-focused and value integrity and respect
- We value learning and improvement



# Ombudsman's introduction

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ROSEMARY AGNEW  
SCOTTISH PUBLIC SERVICES OMBUDSMAN

Our strategic vision states that the SPSO **“contributes actively and positively to Scotland’s development and delivery of first class public services: putting people and learning at the heart of what we do by being innovative and world-leading in our approach to complaints, reviews and standards”**.

This is important to us, and by applying it, we deliver a service that reflects our values (set out opposite).

This approach is especially apparent in the review of Scottish Welfare Fund decisions (SWF). Our SWF work has a direct impact on some of the most vulnerable people in Scotland. But to us, the service is about much more than reviewing decisions. Putting people at the heart of what we do means being fair to both applicants and councils in equal measure.

- If we overturn a council’s decision, we explain why to promote learning and improvement.
- If we spot opportunities to improve the SWF scheme, for the benefit of all, we act on them.
- If we identify wider learning, we share it.

In short, our SWF work is not just about benefits and rules; it is about treating all people with respect and dignity, whether they are applicants seeking help, or the hard working council officers handling the applications.

In the SPSO’s second annual report of the Scottish Welfare Fund Independent Review Service, we tell you about our own excellent performance **(handled 764 applications, 99.9% of Crisis Grant applications in 1 working day, 99.4% of Community Care Grants in 21 working days)** and about how we used the learning from our findings to promote wider improvement. Three significant examples of this are:

- 1** Highlighting the inconsistency of applicants being able to ask for an SPSO review verbally, but having to make their first tier review to the council in writing.
- 2** Not all councils have Freephone numbers. We see this as a barrier to providing an accessible service.
- 3** Contributing to the Government’s review of the Statutory Guidance. Most of our suggestions were accepted and implemented.

Looking forward to 2018-19, we will develop our approach further. This includes:

- Exploring ways in which we can publish more information about our decisions.
- Supporting councils to develop methods for quality assuring their case work.
- Developing a decision-making tool to help councils achieve consistency in decision-making.

**We hope you enjoy reading, and welcome comments and feedback.**

# The Scottish Welfare Fund Independent Reviewer

## About the Scottish Welfare Fund

The Scottish Welfare Fund is a national scheme. Local Authorities (councils) deliver it on behalf of the Scottish Government. It is a safety net for people on a low income, offering two types of assistance to the most vulnerable people in Scotland:

- Crisis Grants: these help people who are in crisis because of a disaster or emergency.
- Community Care Grants: these help people establish or maintain a settled home within the community.



## The reviewer role

The Scottish Public Services Ombudsman (SPSO) acts as the Scottish Welfare Fund (SWF) Independent Reviewer. What this means in practice is that if someone has:

- (i) applied to the council for a Crisis Grant (CG) or Community Care Grant (CCG) and
- (ii) asked the council to review their decision (we call this a tier 1 review) and
- (iii) is unhappy with the council's decision,

they can come to us for an independent review of that decision.

The SPSO can look at whether the council made the decision it should have. We can decide:

- not to change the council's decision
- to overturn the council's decision in part, or in full (i.e. make a different decision) or
- to send the case back to the council to remake their decision.

When we overturn a decision, we instruct councils to make awards which will either alleviate crisis situations, or provide essential items to help applicants set up or to continue to live independently in the community.

We also make suggestions for improvements where we identify poor practice.

Our total budget during 2017-18 was £435,000. A small proportion of this resource is targeted towards learning and improvement activities to support the development of best practice in councils.



# Meet the Team

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The SWF Review team is comprised of six members of staff, covering the whole of Scotland. This includes our team manager Alison Jack, four case reviewers and a team assistant. They have a broad range of experience including SWF decision-making, money advice, teaching, complaints handling and training. We welcome opportunities to liaise with our stakeholders so please get in touch if you have any questions about our service.



*Alison Jack, Team Manager*



# SPSO performance

## Applications to SPSO

### Work received

	2017-18	2016-17
<b>Total contacts</b>	<b>1,172</b>	<b>1,078</b>
Advice, support, signposting	424	310
Review applications	748	768

### Applications handled

	2017-18	2016-17
<b>Total</b>	<b>764</b>	<b>768</b>
Closed before review	158	331
Closed at review	606	437

### Cases carried forward

	2017-18	2016-17
Cases carried forward at year end	19	34

The number of cases closed at review increased by 38.7% from last year, and we had less work in hand at the end of the year. This is significant because cases we close at review make a determination and require considerably more resources than cases closed before review.

### Application outcomes

	2017-18	2016-17
Community Care Grants decision changed	<b>164</b>	98
Community Care Grants decision NOT changed	<b>151</b>	132
Crisis Grants decision changed	<b>102</b>	66
Crisis Grants decision NOT changed	<b>186</b>	141
Community Care Grant cases referred back to council to make new decision	<b>3</b>	–

Although we closed 606 review applications, we only count the ones that we closed with a “decision”. In addition to the figures above, in 5 cases (3 CG and 2 CCG) applications were withdrawn by the applicant.

# SPSO performance

As you can see, over half of CCG decisions were changed, an increase of 9% on the previous year. In contrast, although CG numbers were up by 45, the proportion we changed was relatively stable at 35%.

## Community Care Grants

### Decision changed

2017-18 **52%**

2016-17 **43%**

### Decision NOT changed

2017-18 **48%**

2016-17 **57%**

## Crisis Grants

### Decision changed

2017-18 **35%**

2016-17 **32%**

### Decision NOT changed

2017-18 **65%**

2016-17 **68%**

## Reconsiderations

Councils and applicants can ask us to review and reconsider our decisions. The SPSO is not required to do this: we introduced it as a voluntary stage as a quality measure. We use reconsiderations as an opportunity to learn and improve our service. Someone not involved in the original decision carries out the review.

### 2017-18

No. requests received	% of all decisions made	Decision changed: <i>new information received</i>		Decision changed: <i>reviewer disagreed with original decision</i>		SPSO decision NOT changed	
		Number	% of all requests	Number	% of all requests	Number	% of all requests
21	3.5%	6	28.6%	1	4.8%	14	66.7%

### 2016-17

No. requests received	% of all decisions made	Decision changed: <i>new information received</i>		Decision changed: <i>reviewer disagreed with original decision</i>		SPSO decision NOT changed	
		Number	% of all requests	Number	% of all requests	Number	% of all requests
37	8.5%	2	5.4%	2	5.4%	33	89.2%

As you can see, reconsideration requests fell significantly compared to the previous year. We attribute this largely to having changed the way we communicate to manage expectations more effectively. We clarify at the outset what our uphold rates are and explain our decisions more fully over the phone at the end of the process. There was an increase in the proportion of cases changed at the reconsideration stage: this was due to a rise in the number of cases where we received new information during the reconsideration process, which was material to the decision. The proportion of cases where the reviewer disagreed with the original decision remained stable.

# Review performance

## Performance indicators

We recognise the importance of making decisions quickly as many applicants are in urgent need. As seen below, we exceeded all of our targets by a significant margin.

2017-18		
Indicator	Target	Achieved
PI-1 Crisis Grant applications determined within 1 working day	95%	99.3%
PI-2 Community Care Grant applications responded to within 21 working days	95%	99.4%
PI-3 cases requested for reconsideration, decision is correct	95%	99.8%

2016-17		
Indicator	Target	Achieved
PI-1 Crisis Grant applications determined within 1 working day	95%	99.5%
PI-2 Community Care Grant applications responded to within 21 working days	95%	97.8%
PI-3 cases requested for reconsideration, decision is correct	95%	94.6%

We count the working days from the point we have all the information we need to make a robust decision. PI-1 and PI-2 were set following a public consultation. PI-3 is a voluntary quality indicator we set for ourselves.

## Case handling times

In addition to measuring and monitoring performance against targets, we also measure and monitor average case handling times. This includes the time taken for councils to provide us with information and time for enquiries with applicants and other third-parties.

### Achieved 2017-18

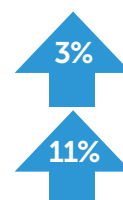
Crisis Grants in 5 working days	100%
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Community Care Grants in 30 working days	88%
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### Achieved 2016-17

Crisis Grants in 5 working days	97%
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Community Care Grants in 30 working days	77%
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We allow councils one day to provide us with information about Crisis Grants and four days for Community Care Grants.



# SPSO performance

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## Quality of service

We are committed to delivering the highest quality service we can. We do this in several ways:

- 1 Quality assurance of cases by senior decision-makers not involved in delivery of the SWF review service
- 2 Quality assurance of telephone calls
- 3 Reconsiderations
- 4 Customer service complaints
- 5 Feedback and engagement

We used the following methods to gather feedback and improve our service in 2017-18:

- We quality assured 10% of our case load and made the following improvements as a result:
  - Simplifying the explanation in decisions about how we assess priority
  - Agreeing a structured approach to ensure consistency in assessment against criteria
  - Explaining our decision more fully to applicants over the phone.
- We piloted seeking customer feedback differently. This was because traditional written survey methods received only a 9% response rate. We realised we took 69% of applications verbally but were seeking feedback in written form. Therefore we trialled an “in process” methodology which involved contacting applicants at three points in the process: initial contact, during the investigation, and post decision. We wanted to see whether we could improve response rates and get a more balanced view of our service that was less influenced by the outcome of decisions (often referred to as decision bias). At the time of writing, the results are being analysed, but early indications are that we have increased the feedback rate from 9% to 28% and that we are getting a more meaningful view of our service.
- We received 27 pieces of unsolicited positive feedback from applicants and their representatives throughout the year. This type of feedback makes our day! Check out the report’s inside back cover for more examples:
  - Thank you so much for your assistance with this application. Your decision is exceptionally clear and well-constructed and my client is absolutely delighted with your decision.
  - Thank you for your help on the phone – it made the process very easy.
  - The member of staff was really helpful and explained the process really clearly. They also took time to listen to her and she felt that she was being taken seriously.

# Review performance

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## Quality of service

- We received four complaints about our service:
  - We upheld two: one on a technical communication issue and one on our verbal communication with the applicant. We apologised and fed back to staff on both occasions.
  - All four complaints were handled at stage 1 of the complaints procedure and responded to within two working days.
- We have two sounding boards. Our SWF local authority sounding board comprises eight councils covering urban and rural areas. Our third-sector sounding board gives us direct feedback about our service and wider issues with the SWF. Members are organisations who work on behalf of vulnerable groups including Women's Aid, Lone Parent Scotland, Citizen's Advice Scotland and the Scottish Refugee Council. The sounding boards are an opportunity for SPSO to receive feedback and share information about our service, and issues and experiences of users.

## Accessibility

We never stop looking for ways to make our service as accessible as possible. We listen to feedback and take active steps to look for ways to be more accessible, especially recognising that applicants who come to us are often vulnerable and in crisis situations.

Our diversity information from a 20% sample of casework, showed 57% of people reported a mental or physical disability. This is significantly higher than the Scottish Health Survey (2008-2016) which reported that 33% of adults have long-term limiting health condition or disability.<sup>1</sup>



We take applications in a variety of ways. At 69%, by far the most well used route to making a review request is through our Freephone number. We believe that this ability to be able to take applications verbally is critical to the accessibility of our service.

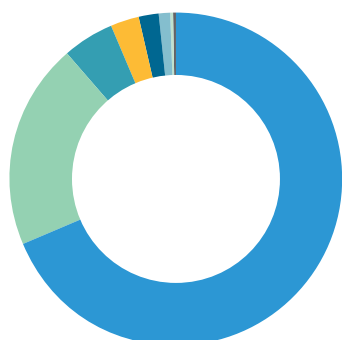
Going forward, we will be considering how we make our service more accessible to British Sign Language (BSL) users as part of the SPSO's BSL Action Plan.

<sup>1</sup> <http://www.gov.scot/Topics/People/Equality/Equalities/DataGrid/Disability>

# SPSO performance

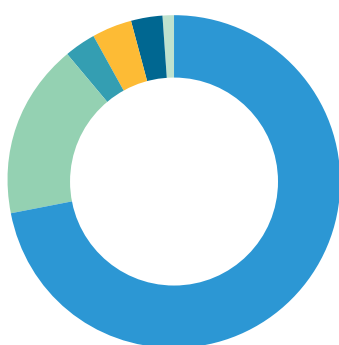
## Breakdown of contact types

2017–18



TELEPHONE	514	69%
WEB-FORM	153	20%
LETTER	34	5%
HARD COPY FORM	19	3%
EMAIL	16	2%
SPSO CONTACT FORM	10	1%
FAX	1	0.1%
VISIT	1	0.1%
	748	100%

2016–17



TELEPHONE	554	72%
WEB-FORM	130	17%
LETTER	23	3%
HARD COPY FORM	30	4%
EMAIL	23	3%
SPSO CONTACT FORM	0	0%
FAX	8	1%
VISIT	0	0%
	768	100%

## Advice, support and signposting

We always try to help people by giving them advice and/or signposting them to another source of assistance. As you can see, 95% of the people we offered advice or support to were signposted to their local council. A significant number of these were referred to their local council because they had not yet made an application.

Worryingly, some applicants told us they were knowingly contacting us instead of their local council because they had no credit on their mobile phone and their local council did not have a Freephone number. In these cases, we asked councils to make contact with the applicants concerned.

	2017-18		2016-17	
<b>SIGNPOSTED TO:</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>
Local council	403	95%	277	89%
SWF general enquiries	11	3%	18	6%
Other	8	2%	14	3%
CAB	1	0.2%	1	0.3%
Financial Ombudsman	1	0.2%	0	0
TOTAL	424		310	

# SWF and council performance

## Review numbers

As set out earlier in this report, 2017-18 saw a 38.7% increase in the number of reviews coming to the SPSO. The 606 reviews we decided was the highest since the SWF began in 2013 (local councils handled tier 2 before the SPSO took over the review function in April 2016).

### Community Care Grants Independent / Tier 2 reviews by financial year

	2013/14	2014/15	2015/16	2016/17	2017/18
Upheld	73	123	118	99	164
Not upheld	64	207	203	131	151
Referred back to the council <sup>2</sup>					3
<b>Total</b>	<b>137</b>	<b>330</b>	<b>321</b>	<b>230</b>	<b>318</b>

### Crisis Grant independent/tier 2 reviews by financial year

	2013/14	2014/15	2015/16	2016/17	2017/18
Upheld	10	49	92	66	102
Not upheld	16	51	72	141	186
<b>Total</b>	<b>26</b>	<b>100</b>	<b>164</b>	<b>207</b>	<b>288</b>

The increasing number of review requests we receive is encouraging as it suggests that people are aware of their rights and are accessing the service. However, these figures should be considered in context. It is important to recognise that only a miniscule proportion of applicants reach the independent (tier 2) stage. Figures from 2016-17 show us:

### Community Care Grants

1 <sup>3</sup>	2	3	4	5
No of applications	No of 1st tier reviews	1st tier review as a % of all applications	No of SPSO reviews	SPSO reviews as a % of all applications
<b>67,480</b>	<b>3,806</b>	<b>5.6%</b>	<b>230</b>	<b>0.3%</b>

### Crisis Grants

1	2	3	4	5
No of applications	No of 1st tier reviews	1st tier review as a % of all applications	No of SPSO reviews	SPSO reviews as a % of all applications
<b>164,970</b>	<b>2,607</b>	<b>1.6%</b>	<b>207</b>	<b>0.1%</b>

<sup>2</sup> There is no direct comparison for this figure as it was not an option used by councils prior to 2016-17.

<sup>3</sup> <http://www.gov.scot/Topics/Statistics/Browse/Social-Welfare/swf/SWF31Dec2017>

# SWF and council performance

While we monitor applications and their outcomes carefully, what we see is still only a small proportion of claims made to the SWF, so it is important that we consider these figures with caution when considering the scheme as a whole.

We are committed to using our casework as much as we can to identify opportunities for learning and improvement across the wider delivery of the SWF, so continue to identify areas to explore. We cover this in more detail later in the report under “Learning, improvement and engagement”.

## Which councils does SPSO get reviews about?

Authority	Community Care Grants	Crisis Grants	Total
Aberdeen City Council	0 (1)	3 (2)	3 (3)
Aberdeenshire Council	5 (4)	12 (11)	17 (15)
Angus Council	2 (0)	4 (0)	6 (0)
Argyll and Bute Council	3 (0)	2 (0)	5 (0)
Clackmannanshire Council	2 (0)	1 (0)	3 (0)
Comhairle nan Eilean Siar	0 (0)	0 (0)	0 (0)
Dumfries and Galloway Council	11 (9)	8 (3)	19 (12)
Dundee City Council	20 (13)	8 (12)	28 (25)
East Ayrshire Council	15 (8)	3 (2)	18 (10)
East Dunbartonshire Council	6 (9)	3 (4)	9 (13)
East Lothian Council	2 (0)	1 (1)	3 (1)
East Renfrewshire Council	4 (2)	0 (2)	4 (4)
Falkirk Council	4 (2)	0 (1)	4 (3)
Fife Council	9 (3)	3 (4)	12 (7)
Glasgow City Council	147 (85)	126 (78)	273 (163)
Inverclyde Council	5 (4)	1 (0)	6 (4)
Midlothian Council	2 (3)	2 (1)	4 (4)
North Ayrshire Council	1 (3)	1 (1)	2 (4)
North Lanarkshire Council	18 (28)	29 (35)	47 (63)
Orkney Islands Council	0 (0)	0 (0)	0 (0)
Perth and Kinross Council	4 (3)	5 (3)	9 (6)
Renfrewshire Council	4 (2)	11 (5)	15 (7)
Scottish Borders Council	3 (0)	1 (0)	4 (0)
Shetland Islands Council	0 (0)	0 (0)	0 (0)
South Ayrshire Council	1 (7)	9 (4)	10 (11)
South Lanarkshire Council	23 (26)	8 (16)	31 (42)
Stirling Council	1 (5)	0 (1)	1 (6)
The City of Edinburgh Council	12 (6)	32 (12)	44 (18)
The Highland Council	6 (1)	11 (4)	17 (5)
The Moray Council	0 (0)	0 (0)	0 (0)
West Dunbartonshire Council	6 (4)	1 (2)	7 (6)
West Lothian Council	2 (2)	3 (2)	5 (4)
<b>Total</b>	<b>318 (230)</b>	<b>288 (207)</b>	<b>606<sup>4</sup> (437)</b>

<sup>4</sup> This figure includes decisions on some of the cases carried forward from the previous year.



# SWF and council performance

As the previous table shows, in 2017-18 we received review requests about 29 out of the 32 councils, and issued decisions about 28 of them. Interesting as these are, view these figures with caution as they are not directly comparable with each other as the number of applications decided will vary according to size of council area, population size and demographic differences.

We received most review requests from applicants in Glasgow, North Lanarkshire and The City of Edinburgh. This is similar to last year's pattern, although there has been an increase in reviews from applicants living in Edinburgh and a reduction from applicants in South Lanarkshire. We will continue to monitor trends year-on-year. (Last year's figures are in brackets.)

More significant is the uphold rate: the number of times we find that the council should have made a different decision. Our uphold rates are a key measure of how councils are performing. We have written to each council that received at least one decision from us, to inform them of their uphold rate and how this compares to the national average. These figures can be found on our website.<sup>5</sup>

Where the numbers of reviews are very low, the comparison with the overall average is not particularly significant. However, recording uphold rates overall helps with comparison purposes and allows us to track trends.

COMMUNITY CARE GRANTS	CRISIS GRANTS
<b>318 decisions</b>	<b>288 decisions</b>
<b>151 not upheld</b>	<b>186 not upheld</b>
<b>164 upheld:</b> uphold rate 52% (last year 43%)	<b>102 upheld:</b> uphold rate 35% (last year 32%)
<b>3 referred back to council</b>	

You can see from the data that there were increases in our uphold rates for both CG and CCG in comparison to last year. We continue to monitor this, but the most likely reason for the change is an increase in the number of cases we uphold because we have new information that the council could not reasonably have had access to.

We discuss our findings in more detail on page 15. This covers both why we disagree with decisions and suggestions for improvement.

<sup>5</sup> [www.spsos.org.uk/scottishwelfarefund/statistics](http://www.spsos.org.uk/scottishwelfarefund/statistics)

# SPSO findings

## Overview

When conducting reviews, we focus on whether the correct decision was made. Equally important, we also make findings about councils' decision-making.

**Material findings** identify where we consider the council made an error which causes us to disagree with the overall decision

**Non-material findings** identify poor practice but which didn't affect the correctness of the decision

Material findings are included as reasons for our decisions. We feed these and our non-material findings back to councils on a case-by-case basis and in an annual letter. They also inform our feedback to the Scottish Government on the SWF Guidance.

In 2017-18 we made 912 findings:

**302**  
material

**610**  
non-material

### All Findings 2017-2018

Subject	%	Total
Communications issues – written	32	295
Guidance not followed correctly	20	185
Incorrect interpretation of information	15	139
Positive feedback	9	80
Insufficient information/ inquisitorial failure	8	72
New information provided	6	54
Internal council recording issue	6	52
Other	2	20
Timescales	1	8
Communications issues – verbal	1	3
Incorrect information	1	4
<b>Total</b>	<b>101%<sup>6</sup></b>	<b>912</b>



The most common material finding (which caused us to disagree with the council's decision) during 2017-18, was that there had been **an incorrect interpretation of the available information** when considering the application.

The next most common reason was that the **statutory guidance had not been followed**.

The most common 'non-material' finding in 2017-18 concerned **written communication**, particularly, councils not providing clear reasons for their decision in decision letters to applicants.

<sup>6</sup> Does not add up to 100 because of rounding

# SPSO findings

We also identify and feed back when we find examples of good practice.

## Material findings

Subject	%	Number
Incorrect interpretation of information	38	115
Guidance not followed correctly	26	78
Insufficient information/ inquisitorial failure	17	50
New information provided	18	53
Incorrect information	1	2
Other	1	3
Internal council recording issue	1	1
<b>Total</b>	<b>102%<sup>7</sup></b>	<b>302</b>

**81%**  
of material  
findings were for  
three reasons:

1 Incorrect interpretation of information

2 Guidance not followed correctly

3 New information provided

Here are a few examples:

### Incorrect interpretation of information

- The council assessed the circumstances of the application were not exceptional as the applicant had previously applied for a Crisis Grant after spending some of his money on travel. We disagreed as, on this occasion, the travel costs were accrued getting to and from hospital in relation to a serious, acute condition. We found the circumstances were different and could not be assessed as being 'normal' to the applicant as described in section 7.23 of the guidance.
- The council assessed that the applicant and their daughter were not under exceptional pressure as they were receiving family support. We disagreed and assessed the support did not remove the impact of the difficulties faced (including a bereavement and having to relocate to Scotland). Overall, we assessed that the applicant could be deemed to be facing exceptional pressure.

<sup>7</sup> Does not add up to 100 because of rounding

# SPSO findings

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## Guidance not followed correctly

- The council assessed that the applicant should be awarded for 14 days as he had a gap in income of unknown duration in line with section 7.8 of the guidance. The applicant knew his benefit payment date when he applied, and this was 20 days from the date of his application. We therefore disagreed that a 14 day award should be made, as he should be paid until his next benefit payment in line with section 7.24 of the guidance which was for a period of 20 days.
- The council refused the application on the basis that they did not consider there was any immediate need as the applicant had been on the housing list for 18 months and therefore had had time to plan a move. We did not consider that the guidance supported refusing an application on the basis that an applicant should have been planning for their move; particularly when they are not aware of when they may be offered a suitable property. Due to his circumstances, we assessed that the applicant was facing exceptional pressure to maintain a settled home and therefore met the qualifying criteria.

## Insufficient information/ inquisitorial failure

- We noted the original decision-maker stated in the decision-making notes that the application form did not note if the applicant's cooker had broken down, or what cooking facilities had been used in this period. No enquiries were made to establish these facts when assessing the case. We considered that at both the original and first tier decisions, the council decision makers could have obtained further information by contacting the applicant or his money advice worker to ask about the need for the cooker.
- The applicant applied for a Community Care Grant for clothing, stating the need had arisen because her son had gained a considerable amount of weight in a short time due to a change in medication. The council's decision-makers assessed that this application did not pass the initial eligibility checks and that clothing is an ongoing expense excluded from the fund (Annex A, 16). We disagreed with this assessment. The application contained the contact details of a nurse therapist working for the Child and Adolescent Mental Health Service (CAMHS), and when we spoke with her she was able to confirm the applicant's account of significant and sudden weight gain. On the basis of this information we upheld the review request as there was no record of a call having been made to gather information from this source.

# SPSO findings

## New information provided

- The council determined the applicant did not meet the qualifying criteria based on the information provided. The applicant provided further information during the review process, including that he had required a deep clean of his property due to it being in poor condition; that he had a multi-agency approach in place to support him; and that he had physical and mental health problems. We considered that he met the exceptional pressure qualifying criteria listed in section 8.14 of the guidance.
- The council decision makers assessed that as a single man with no reported health issues, the applicant did not meet the necessary high priority for the award of a washing machine. We acknowledged that the applicant provided very little detail in his application or his first tier review request. Having spoken with the applicant and his psychiatrist we were able to gather evidence of significant mental and physical health factors and as a result, assessed that the applicant met both the qualifying criteria and the necessary high priority level. This information was not reasonably available to the council when the decision was made.

## Non-material findings

Subject	%	Number
Communications issues – written	48	295
Guidance not followed correctly	18	107
Positive feedback	13	80
Internal council recording issue	8	51
Incorrect interpretation of information	4	24
Insufficient information/ inquisitorial failure	4	22
Other	3	17
Timescales	1	8
Communications issues – verbal	1	3
Incorrect information	1	2
New information provided	1	1
<b>Total</b>	<b>102%<sup>8</sup></b>	<b>610</b>

**79%**

of non-material findings were in three categories:

**1 Communications issues – written**

**2 Guidance not followed correctly**

**3 Positive feedback**

<sup>8</sup> Does not add up to 100 because of rounding



# SPSO findings

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## Written Communication

This was an issue in a high proportion of cases. We anticipate there will be a reduction in the instances of poor written communication during 2018-19 as a result of the revised SWF guidance issued in February 2018.

- The decision-making notes at original decision and at first tier were clear and comprehensive. However, the original decision letter lacked clarity around how the decision maker had arrived at their decision and did not provide enough information to allow the applicant to effectively challenge the decision.
- In both decision letters the descriptions of the qualifying criteria had been shortened, which changed their meaning and was not factually accurate.
- Both the initial decision letter and first tier decision letter mentioned the need for there to be exceptional circumstances in order to receive an award, but there was no explanation provided as to why the applicant's circumstances were not assessed to be exceptional.
- The council's original decision letter did not contain any details of what the applicant applied for. Although it noted the reason for refusal was due to the applicant not providing information the council required to assess the application, the letter did not specify what further information the council required. The first tier decision letter also missed assessing all the items applied for.

## Positive Feedback

- The first tier letter was clear and provided further details about the reason an award had been made and referred to the relevant SWF guidance. We also noted that at both stages in the decision-making process, the council tried to contact the applicant to obtain further information about his needs in order to consider the award amount.
- The council's first tier decision letter quoted the specific guidance relevant to exceptional awards, and explained why this application could not be considered as being exceptional due to the application history. The letter also identified the stage in the decision-making process where this assessment took place. We considered that this approach is in line with section 4.29 of the guidance and enabled the applicant to fully understand the decision.
- The council arranged for a liaison officer to visit to applicant's home to assess the need for items requested. They also spoke with the applicant's community psychiatric nurse to get further information about his mental health issues. The first tier decision letter provided full details of the rationale behind the decision and made reference to the guidance. The council also effectively referred the applicant to another organisation to provide him with crockery, cutlery, bedding and a duvet, as they had not met the council's priority level.

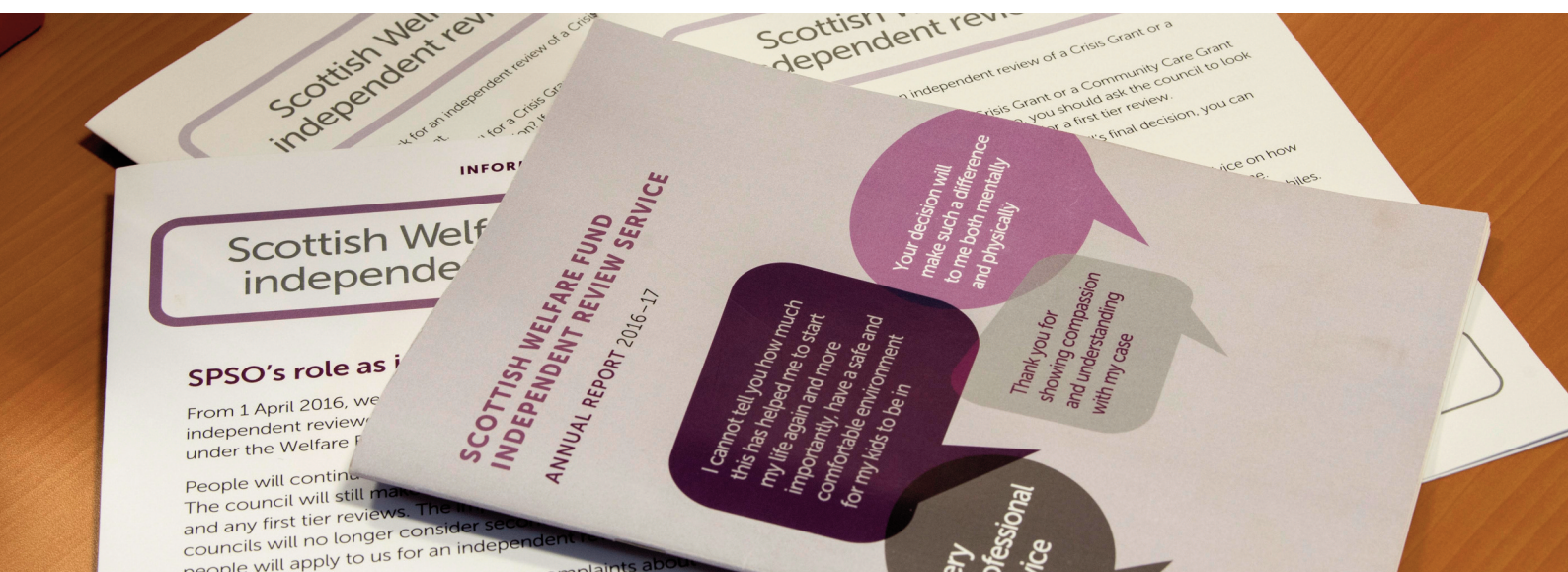
# SPSO findings

## Overlaps with other services

Due to the vulnerable nature of some applicants to the SWF, they may already be working with or have a need for support/ services from other council departments.

The SWF guidance is clear that a holistic approach should be applied but that the fund should not duplicate or substitute other provisions. The guidance adds that councils should consider how the grants fit with their existing services that offer help to similar client groups, and makes reference to social work services, support for young people leaving care, throughcare and aftercare for people with a conviction, and being consistent with tackling homelessness.

We have seen some very positive examples of holistic and integrated support being provided by councils, however, we have observed examples of cases where there has been confusion over which department should provide the assistance that is required. Examples include a riser chair for an applicant with a progressive illness, a deep clean of a property for an applicant who had been assessed as requiring this assistance by the social work department, and a walk-in shower for an applicant with epilepsy who had received an occupational therapy assessment. In some of these cases the support could seemingly be provided by different council budgets, however the guidance does not always preclude an award being made. It is important that delays in receiving much needed support are avoided; therefore a more joined up approach within councils would be helpful to ensure responsibility for provision of support is clear.



# Learning, improvement and engagement

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Identifying and promoting learning and improvement is integral to our role. We are deeply committed to enabling and driving public sector improvement and make people the focus of our service. We do this through, for example:

- Reporting trends and themes in the SPSO monthly commentary<sup>9</sup>
- Giving feedback to councils both case-by-case and in an annual letter
- Workshops for decision-makers
- An engagement event for people or groups with an interest in the SWF
- Giving feedback to the Scottish Government on the SWF guidance

## Highlights include:

- We jointly delivered workshops for decision-makers in Edinburgh, Glasgow and Dundee with Scottish Government in November 2017. Having identified decision letters as a key area for learning, we focused on how councils might ensure that their decision letters contain the necessary information about their decision. Since then, we have noticed some examples of improvement in the quality of written communication, including having recorded a number of instances of transparent decision letters which provide clear reasons for the decision. We hope to see wider improvement during the coming year in light of the recent change to the guidance.
- Working with our colleagues in the SPSO's Improvement, Standards and Engagement team, in February 2018 we held our first engagement event. 61 delegates who have an interest in SWF attended the event including council staff and third sector representatives. We focused on quality assurance, clear decision-making, accessibility, and supporting staff. We have used the feedback gathered from the day to help inform our future events planning, and learning and development activity.

<sup>9</sup> <https://www.spsos.org.uk/ombudsmans-newsletter>

# Learning, improvement and engagement

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- Part of assessing that councils make the correct decisions is how well they have adhered to the guidance. The Scottish Government are required to consult with us as part of the statutory consultation process when reviewing the guidance. Where we identify shortcomings in the guidance, we feed this back to the Scottish Government. Most of the changes we suggested during this year's consultation were accepted, and resulted in improvements to the guidance. The updated guidance was published in June 2018.

## Changes to the guidance

SPSO made these suggestions to the Scottish Government:

- asked them to amend it to specify that sufficient information should be provided in decision letters to applicants. This change was incorporated in February 2018.
  - a more flexible approach when applicants were experiencing benefits issues of an unknown duration as the recommended period of award (two weeks) was often not sufficient time for their benefits to be reinstated. Further clarification was also needed around the support that should be provided while benefits advances are in process, or where these cannot be accessed.
  - remove inconsistency and unfairness. SPSO take review applications over the phone. It is inconsistent that up to this point, the 1st tier review has to be made in writing, putting some people at a distinct disadvantage. For example, we knew of someone who had to walk a considerable distance to deliver their review request by hand as they couldn't afford bus fares. The guidance now makes it clear that review applications can be made by email. **While we welcome this, we think it should go further to allow verbal applications.**
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- Clarification was also issued about the existing guidance. This related to the qualifying criteria for providing support to those facing exceptional pressure. This followed concerns we raised about inconsistencies between councils' interpretation: some said it applied to individuals while some said it applied only to families. We were concerned that this approach was disadvantaging very vulnerable single people or parents with part time access to their children; and upheld a number of cases on this basis. It was emphasised that the test relates to the level of pressure faced and the impact this has on maintaining a settled home, and is not restricted only to families.



# Case studies

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## Exceptional pressure / planned move

An applicant applied for a Community Care Grant for household items after obtaining a new tenancy. The council assessed that she did not meet the qualifying criteria as her move had been a 'planned move', and there was no evidence of overcrowding at her previous address. We disagreed with this assessment as the SWF guidance does not preclude planned moves. We also recognise that it is not always possible for moves to be budgeted for on a low income. When assessing the case, we took into account that there was social work involvement and charity support in place. This was due to substance misuse issues within the household and that the applicant herself had been known to Social Work Services as a child. It was noted that although the applicant's previous address was not overcrowded, there were other pressures within the home that made it unsuitable. We considered that she therefore met the qualifying criteria of an individual or family facing exceptional pressure and we awarded the items which met the necessary priority level.

## Exceptional pressure / individual

An applicant applied to the council for a Community Care Grant after fleeing his home with minimal possessions after being subjected to years of domestic abuse. He was suffering from depression and anxiety and his mental health had deteriorated due to the upheaval in his personal life. He also was suffering from a number of physical health difficulties. The council assessed that he did not meet any of the qualifying criteria as set out in the SWF guidance, and in particular, noted that as he was an individual, he did not fit the criterion of a family under exceptional pressure. Taking into account the history of domestic abuse, upheaval in his personal life; and physical and mental health difficulties, we disagreed with this assessment, and considered that he was facing exceptional pressure to maintain a settled home despite being an individual. We awarded a washing machine, an electric cooker, a living room carpet a bedroom carpet, and curtains for his living room and bedroom.





## Disaster case

An applicant applied for a Crisis Grant for clothing, bedding and living expenses after his property had been severely damaged in a fire. The council declined the application as they were unable to verify that he was still living in the council area. They noted that the applicant had not provided a telephone number with the application, however he had included an email address, which he stated was his preferred method of contact. No attempts were made to email the applicant for further information. He subsequently provided a telephone number in his review request, and also noted that confirmation of the fire could be obtained by speaking to the emergency services. The first tier decision-maker attempted to verify the applicant's version of events with the fire department, but were unable to obtain the information required. The council subsequently did not uphold the first tier review request, because they stated they could not confirm that the fire had taken place. We disagreed with this assessment as after speaking with the applicant, we were able to verify that the fire had occurred as he provided contact details for his landlord. The landlord also confirmed that there was significant damage to the contents of the property. As a result, we were satisfied that the applicant had experienced a disaster and awarded the items which met the necessary priority level.

## Religious freedoms / dignity and respect

An applicant applied for a Community Care Grant after securing a new tenancy for her family. This followed a period of homelessness after arriving in the UK as refugees. The family had fled their home country after suffering trauma during war. The council considered that they met the eligibility and qualifying criteria and awarded the items which they considered to meet high priority. They did not award curtains or kitchen flooring. We disagreed with the assessment that curtains did not meet high priority for this family. The applicant advised that the family were Muslim and due to her religious beliefs, the applicant must be covered and wear a headscarf in public. However, due to the property being overlooked, she had to remain covered and wear a headscarf in the home. Given the need for dignity and respect as an overall principle of the SWF guidance, we took into account the impact of having no curtains. We assessed that the lack of privacy due to being overlooked would affect the applicant's religious freedom and feelings of safety and security in the home. This was particularly true in light of the family circumstances. We therefore awarded curtains as we assessed that they met the necessary priority level based on the specific circumstances of the case.



## Lost money

An applicant applied for a Crisis Grant as she had suffered an epileptic fit and lost her bag with her purse and benefit payment. The council refused the application on the basis that she had received two Crisis Grants in the last 12 months; and they noted that one of these grants was due to lost money so assessed that this was an ongoing issue. We considered the facts and circumstances of the case and spoke with the applicant for further information. While we acknowledged that she had applied to the fund previously for lost money, we noted this application was a direct result of an epileptic fit. As a result, we did not consider that this could be assessed as being an ongoing feature of her expenditure and that the application should not be excluded due to the application history. We highlighted to the council that the guidance had not been followed and also advised that the council's decision letters did not provide sufficient detail for the applicant to understand the decision. As such, we upheld the applicant's review request and instructed the council to make an award of £75.19.

## Award suitable for needs

An applicant applied for a community care grant after a relationship breakdown and moving to a new property with her young daughter. Her complex health conditions affected her significantly, and her daughter was helping care for her. The applicant provided the council with an Occupational Therapy (OT) report which confirmed the need for adaptations they would make to the property, and white goods with additional features which they could not provide. The council assessed that she met the eligibility and qualifying criteria and that it was a high priority that goods were awarded. They awarded a hob, single oven and fridge freezer, but refused the double oven and dishwasher. The applicant requested a first tier review on the basis that the items provided did not meet the applicant's needs set out in the OT report. The council revised their decision and made cash awards instead of standard goods, but did not alter the amount awarded. We did not completely agree. We assessed: (1) the award for a hob would not allow the applicant to purchase a hob which met her OT needs and that a higher award was appropriate; and (2) that the dishwasher met high priority on account of the risk to the applicant of scalding due to her neuropathy. We did not change the amounts awarded for the fridge freezer and oven as they were appropriate given the council's priority rating. Our assessment took into account section 4.46 of the guidance: "in making decisions, authorities need to balance the needs of the applicant against the needs of the budget, and take into consideration any specific needs due to equality considerations for example the need for adapted furniture because of a disability." We also considered the associated positive impact on the health and wellbeing of her daughter who has a caring role.




## Low income assessment

An applicant applied for a Community Care Grant for a number of items after securing a new tenancy following a period in temporary accommodation. She was working full time and lived with her adult daughter who suffers from anxiety and depression. The council assessed that the applicant was not on a low income therefore did not meet the eligibility criteria for a grant. We considered the facts and circumstances of the case and also reviewed the guidance which sets out low income indicators. In doing so, we agreed with the council's assessment that she did not meet the low income criteria. One of the indicators is being on an equivalent income to someone in receipt of means tested benefits, however, other factors can be taken into account and the full circumstances of the case should be considered. While we acknowledged she was repaying debts and also had higher housing and council tax costs than an applicant on means tested benefits, her income was still considerably higher. As such we agreed with the council's assessment and did not uphold the applicant's review request. However, we highlighted that the original decision letter did not clearly explain the decision; the first tier letter discussed qualifying criteria which was not relevant and she was signposted to a local credit union who could not provide the assistance she was seeking as they only lend to members. We highlighted these findings to the council.

## Ongoing exclusion

An applicant, who was a private tenant, applied after spending her universal credit (UC) making up the shortfall between her housing allowance and her rent. She therefore had no money for living expenses. The council refused to make an award on the basis that the situation was ongoing, and was not an occasional or short term need. We agreed with the council's decision. The applicant had initially moved into the property whilst in full time work and had been living with her partner who had contributed to the rent. However, her ex-partner moved out of the property and for the last six months the applicant had been living on her own and out of work. During this time she had made three previous Crisis Grant applications for the same circumstances. Considering her current application in light of these previous applications, we assessed that her application was excluded at the eligibility stage of the decision-making process. Her rent had become unaffordable, and as a result of this, we noted that she had been making up the shortfall in her rent from her UC every month. We considered that this had become a feature of her expenditure, therefore was excluded.



I just want to thank you for helping this family in their crisis as the goods were delivered today and thanks to yourself there was so many tears of joy for the items received

Thanks for all the hard work you have put into this case – I know there was a lot of detail

Thank you for taking the time and being so kind about it

I have never appealed anything in my life because I thought there was no point. I am so grateful, honestly

Thank you so much for all your hard work

I have spoken to my client and he is very relieved

Honestly can't thank you enough



## Call us

Freephone **0800 014 7299**

British Sign Language (BSL) users can contact us by using **contactSCOTLAND-BSL**

## In Person

**Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh, EH3 7NS**

We are open Monday, Wednesday, Thursday and Friday 9am – 5pm;  
Tuesday 10am – 5pm.

## By Post

**FREEPOST SPSO**

(no stamp required – and this is all you need to write on the envelope)

## Fax

**0800 377 7331**

## Website

**[www.spsso.org.uk/scottishwelfarefund/contact-us](http://www.spsso.org.uk/scottishwelfarefund/contact-us)**

Laid before the Scottish Parliament by the Scottish Public Services Ombudsman in July 2018  
in pursuance of section 17(1) and (3) of the Scottish Public Services Ombudsman Act 2002