

SPSO Annual Report on Scottish Welfare Fund Independent Reviews

Report by: Kevin Anderson, Head of Customer and Housing Services

1 Purpose of Report

The purpose of this report is to provide Cabinet with an update regarding the Scottish Public Services Ombudsman (SPSO) reviews relating to Midlothian Council's Scottish Welfare Fund appeal cases handled by the SPSO for 2017/18 and published in the Annual Report.

2 Background

2.1 The Scottish Welfare Fund (SWF) is a national scheme Midlothian Council delivers on behalf of the Scottish Government. The Scottish Welfare Fund offer two types of grant assistance as a safety net for people on a low income, or the most vulnerable people.

- Crisis grants may help for those in crisis because of a disaster, like a fire or flood, or an emergency such as losing money or having to visit a sick child in hospital.
- Community care grants may help for those about to leave care to live in the community, or to help to provide a safe and secure home for your family.

Midlothian Council uses the Scottish Government Guidance and criteria in determining applications. Customers who have been refused a SWF claim by the council can ask for this to be reviewed and the reasons for disagreeing with the decision and to provide any additional information or relevant documentation. A different decision maker will give the claim reconsideration and if the claimant still disagrees they can then ask the SPSO to review the case.

2.2 The Scottish Public Services Ombudsman (SPSO) acts as the Scottish Welfare Fund (SWF) Independent Reviewer and will look at whether the council made the decision it should have. The SPSO available outcomes are to:

- 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.

2.3 Scottish Welfare Fund Review Statistics

The report provides information on customer appeals the SPSO received between 1 April 2017 and 31 March 2018 and Appendix 1 provides an account of the appeals data about Midlothian Council that the SPSO has looked at and published on their website in July 2018.

It is notable that there has been a significant decrease in the number of enquiries from Midlothian in the past year and of the 4 cases, one of these was partially upheld.

The SPSO full Annual Report across all local authorities is presented in Appendix 2.

3 Report Implications

3.1 Resource

The SPSO monitoring and reporting activity has no additional resource requirements.

3.2 Risk

Failure to meet the statutory requirements as they relate to SWF claim handling and SPSO reporting presents a risk which is mitigated by a continuing focus on existing governance and reporting structures.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☒ Business transformation and Best Value
- ☐ None of the above

3.4 Key Priorities within the Single Midlothian Plan

This report does not relate directly to the key priorities within the Single Midlothian Plan; however the approach taken for complaints supports the ongoing improvement agenda across a number of the thematic areas.

3.5 Impact on Performance and Outcomes

The annual report and review will provide a number of benefits which include an improved understanding of the process, clarity about the criteria, and statistical data that provides the opportunity for benchmarking analysis.

3.6 Adopting a Preventative Approach

The Council is proactively responding to improvement opportunities noted as part of the complaints process.

3.7 Involving Communities and Other Stakeholders

The Council is using the evidence from complaints as another form of customer feedback to assist in its delivery of services.

3.8 Ensuring Equalities

Whilst not directly impacting on equalities, information is provided about the SWF into a legible format or language to accommodate additional needs or those whose first language is not English. This is in line with the Equalities Act 2010.

3.9 Supporting Sustainable Development

There are no sustainability issues with regard to this report.

3.10 IT Issues

There are no IT issues

4. Recommendations

Cabinet is recommended to;

- I) Note the SPSO Annual Scottish Welfare Fund Independent Review Report 2017/18 (appendix 2) and the Midlothian specific outcomes in appendix 1.
- II) Refer the report onto the Performance Review and Scrutiny Committee.

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Appendix 1

2017/18 SWF Review Statistics

Appendix 2

SPSO Annual Report on the Scottish Welfare Fund Independent Review Service