



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

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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:

The ring fencing of funds in Scotland to provide a safety net to the most vulnerable in society when there is an unexpected crisis, or costs which go beyond the means of an individual due to new or changing circumstances, is commendable.

The reasons which arise and prompt people to make a decision to access the fund are, by the very nature of these grants, unpredictable as the guidance makes clear. However, it means that families and individuals need support to move out of these emergencies and into more secure spaces. The Scottish Government, in partnership with the 32 local authorities, should ensure that thresholds for vulnerability, and assessment of income, are consistent so that issues of a *postcode lottery* do not arise. Therefore, we approach the idea that there can be 32 different definitions of low income with caution. It is laudable that flexibility is built into the system, as this acknowledges the very different circumstances that people present and the different costs of living across Scotland. However, alongside this we need to recognise that there are recognised indicators of low income and that these should be taken into account.

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 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.

We agree that providing a set of criteria, in terms of entitlement to certain benefits, is helpful as a basis to work from; however, these should not constitute, as the guidance suggests, an exhaustive list to work to. The guidance could reinforce this point more strongly, in terms of entitlement to certain benefits being indicators of low income but not a requirement of proof of low income. This understanding of what constitutes low income and need, and an acknowledgement of unique circumstances that can prompt calls on the Fund, should enable a consistent, fair but flexible approach across Scotland. Furthermore, the sharing of these criteria and understanding of low income and need, would add transparency to the process and support a consistent approach.

On the specific issue of care leavers, these young people may not be in receipt of benefits when they apply for Community Care Grants, but they should have access to this support, if necessary. Equally, informal Kinship Carers, may not be in receipt of benefits, but may experience hardship due to the additional cost of bringing up a child or young person, and need to access a community care grant for an unexpected cost or a crisis grant in an emergency. These cases should be supported to ensure that further deterioration in available resources is not experienced by the family as this could put the stability of the placement for the child or young person at risk.

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

We would recommend that there is no limit on the number of awards, but, as the guidance states, if an individual or family requires more than 3 grants in a year, then they clearly require a more intensive level of intervention and support. Something is clearly not working, and the local authority, with partners, needs to establish what the problem is.

Crisis Grants are in place to support people in terms of an unpredicted emergency or disaster. Additionally, experiencing one disaster or emergency can make you vulnerable to experiencing additional emergencies (for instance in the case of a medical emergency that has the effect of limiting mobility, adapting to this new circumstance may put an individual at additional risk of a further injury which could be classed as a crisis). A 'household' could be made up of a number of people with different needs, and there is no guarantee that because one person in a household has a crisis the remaining people are immune to further crises.

If a local authority notes that the same household is repeatedly applying for 'crisis grants' perhaps this is an indication that some other underlying need is not being met. Is this an indication that the housing is inappropriate? Is there an unresolved issue causing the crisis or emergency that should be addressed? Do these individuals require additional support? Consideration should be given to whether a crisis grant is the most suitable form of assistance for the household or if their needs could be better met through another form of support. It could be that after a certain number of applications within the year, there is a trigger in place to investigate the circumstances further. This could help ascertain, if other different support is necessary to ensure that the issues creating the circumstances where the crisis fund needs to be called upon can be mitigated.

However, limiting the number of times a household can apply for a crisis grant would mean that, in instances where they are otherwise eligible for a crisis grant and therefore facing an immediate threat to health or safety, the household would be left vulnerable. This is particularly relevant in terms of care leavers who may require crisis grants, given a local authority's corporate parenting responsibilities toward them.

We know that children who are looked after at home tend to evidence the poorest outcomes of all looked after children (in terms of health and educational outcomes). In order to ensure that this begins to change, every effort needs to be made to ensure that households, in which looked after children live, are supported through any disaster or emergency that they face.

The consultation document suggests that reducing the number of Crisis Grants for a couple or household would make it fairer for single people (including single parents). However, this limit would arguably place undue pressure on couples or households who are already demonstrably under pressure. We would argue that rather than limit the number of crisis grants that can be available to couples or households, consideration should be given to ensuring that single people can avail of a crisis grant whenever they are faced with a crisis and not limited by an arbitrary number.

Limiting households to 3 awards does not acknowledge the complexity of people's living arrangements and the movement between places. Looked after young people and care leavers are part of this population and they can experience multiple placement moves and different households. Crisis Grants should be administered with their purpose in mind and a framework to ensure consistent administration.

Furthermore, any sort of limitation may be harmful to looked after children, care leavers and kinship carers. This could be in terms of basics such as food, shelter but also in terms of stability of placements. Thus, instead of supporting vulnerable children and young people this could create instability and possibly instigate a move for the child or young person.

According to the Scottish Welfare Fund Statistics 2014/2015 there was a "weak relationship to suggest that those local authorities with the lowest average awards tend to have higher rates of repeat *applications* for Crisis Grants. The same result holds if we compare average awards with rates of repeat Crisis Grant *awards*." This suggests that, although the evidence is admittedly weak

(yet statistically significant), local authorities should focus on meeting the needs of the individual applicant in the first instance, rather than trying to save money by offering a lesser sum of money and later having to offer additional grants.

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

If the community care grant were limited to three per household per year, there is a risk that an individual, who otherwise would qualify for the grant, would be unable to establish or maintain a settled home and could go into a care institution.

The purpose of a community care grant is to help people on low incomes to live independently in the community and/or to ease pressure on families. Community Care grants help people to move into, or stay in, or start up in, the community. Families of children who are looked after, kinship carers and care leavers can all apply for a community care grant. As mentioned above, a 'household' could be made up of a number of people with different needs. Assisting one person in a household will not necessarily help all individuals in that household.

The consultation document refers to a small number of cases where an applicant has moved to new homes several times, has not managed to keep them, and so needs to apply for a community care grant each time they are rehoused. In such cases the local authority should be asking why these arrangements are breaking down or why the individual cannot manage to keep them. Is this a sign that their needs are not being met? Is this an indication that the housing is inappropriate? Is there an unresolved issue causing the crisis or emergency that should be addressed? Do these individuals require additional support? Consideration should be given to whether a community care grant is the most suitable form of assistance for the household or if their needs could be better met through another form of support.

Sometimes, for many different reasons, care leavers can change between accommodation and thus apply to the Fund a number of times. More often than not the reasons why a care leaver might need to apply to the fund a number of times are linked to impact of previous pre-care experiences, in-care experiences, the age of leaving care, relationships and support from family and professionals. Whilst, as suggested before, investigating why the grant is needed a number of times may be useful in case other supports can be put in place to mitigate the need, the award of the grant needs to be directly linked to its purpose and the eligibility of the applicant. Not awarding a grant simply because of exceeding an arbitrary number on a household could destabilise the living situations for looked after children or care leavers, increasing their vulnerability rather than supporting, and stabilising and improving the quality of their living situation.

The consultation document is clear in stating that repeat applications for a Community Care Grant to facilitate multiple moves to new houses happens only in a small number of cases. However, it goes on to refer to a need to 'protect the

Fund'. The priority here should be not to protect the fund but to meet the needs of some of the most vulnerable people in society. Limiting the number of times a person can avail of a community care grant will not prevent them from needing more support or assistance – providing the best, most adequate support early on would be a far better way to ensure that individuals do not need to make multiple applications to the welfare fund.

According to the Scottish Welfare Fund Statistics 2014/2015, “local authorities with lower average awards may have higher rates of repeat applications, although this relationship is weak and is very sensitive to outliers in the data. There is weak evidence to suggest that if households are satisfied with the level of their award, they are less likely to make a repeat application. Conversely, if a household perceives that their claim for a Community Care Grant has only been partially successful, they may be more likely to make a repeat application to the local authority.”

This suggests that, although the evidence is admittedly weak (yet statistically significant), local authorities should focus on meeting the needs of the individual applicant in the first instance, rather than trying to save money by offering a lesser sum of money and later having to offer additional grants.

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?

No, if the 'item' in question could reasonably be expected to help an individual on a low income to live independently in the community and/or to ease pressure on families. Arguably, the issue merits further investigation rather than limitation. Establishing why there is a repeat need and addressing this issue if possible would seem to be a step forward. (Arguably, this is particularly pertinent when there are questions over whether an item is repeatedly being broken). What is important is consistent and appropriate application of the CCG, alongside ensuring that any goods purchased are fit for purpose and meet the needs of the applicant.

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:

Yes, we do support the prioritisation of families (for example, where there are dependent children) as the protection and support of children must always be a local authorities' primary concern. All other applicants, however serious their need, must be considered in this context. Children come first. Families who are

facing exceptional pressure, like other claimants, will need rapid decisions to be made. The timescales that are laid are maximum guidelines. Cases should be prioritised according to their immediate need. If a consistent set of criteria is applied then cases will be processed in a timely, fair and appropriate manner to ensure these vulnerable children, young people and their families do not experience extreme hardship.

If there is an overspend on the SWF, then this merits further investigation as to why Scotland's population is needing to seek crisis grants and community care grants, as support should be offered in a more sustainable manner rather than recourse to emergency funding. Overspend on the SWF is evidence of the need for the reorientation of public spending towards early intervention, and the realisation of the Christie Commission recommendations. Two of the Christie Commission's key messages are stated below. These emphasise the need for preventative measures:

- Prioritising preventative measures to reduce demand and lessen inequalities
- Identifying and targeting the underlying causes of inter-generational deprivation and low aspiration.¹

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:

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.

All of the suggested forms of payment could be used. It must be noted that any type of payment needs to ensure that the claimant can access what they need without being stigmatised, labelled or charged an excessive amount for its use, and without incurring additional costs.

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

It is important to discuss the most appropriate method with each applicant. This could be done through a question on the form, a phone call, a meeting with the person and so forth. Finding the appropriate payment needs to be done in consultation with the applicant. The full range of possibilities should be open to the applicant.

¹ Christie, C., (2011) COMMISSION ON THE FUTURE DELIVERY OF PUBLIC SERVICES assessed online at www.publicservicescommission.org p. ix.

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:

Timely decision making is important for people in crisis. The timescales set out seem appropriate, but they should be viewed as a maximum timeframe. However, the lack of coverage over Bank holidays and weekends is a gap. Crisis grants are awarded in an emergency or in the face of a disaster. Both of these situations are unpredictable and thus cannot be relied on to fall on days of the working week. Thus it makes sense to ensure that there is capacity in the out-of-hours services, or by other means, so that Crisis grants can be considered, where possible, at all times.

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:

Applications for crisis grants or community care grants for substantial improvements to private property should be considered in terms of the purpose and definition of these grants. Improvements to LA and social housing are excluded items from the SWF – however local authorities have an obligation to ensure that these houses are habitable and maintained to a certain standard. If an individual has issues with their property which makes it uninhabitable, or dangerous to the wellbeing of its occupants, this constitutes an emergency under the terms of the regulations and guidance, and they should be able to apply for a crisis grant to overcome the issue. However, in the case of private rented accommodation, when responsibility for addressing the particular issue with the accommodation lies with the landlord (under the terms of the rental contract or legislation protecting tenants' rights), local authorities should use the full force of the law to reclaim the funds.

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:

If the purpose of a crisis grant and community care grant are appropriately clear there should be no need to add additional items to the list of exclusions. Adding items to the list of exclusions increases the risk that an individual who needs one of these grants will be deemed ineligible in instances where it may in fact fulfil the original intention of the grant and meet the needs of an individual.

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:

In responding to this question, we acknowledge that, by removing 'exemptions', we accept that the burden placed on the assessment process will increase. However our reason is that, if you want a Welfare Fund that meets its objectives, it should be responsive to the needs of the presenting person.

We feel that 'an educational or training need' should be removed from the list. If an individual cannot meet an educational cost and has attempted to do so through a school meal or clothing grant, then they are at risk of exclusion. A community care grant is intended to help people on low incomes to live independently in the community and/or to ease pressure on families – this can be achieved through enabling access to education. Similarly 'work related expenses' should be removed from the list – if an individual has an emergency (for example unexpected car trouble) which prevents them from being able to attend work, a crisis grant or community care grant to cover repairs or travel expenses while the car is fixed could help them maintain their employment, the loss of which would have serious repercussions for a person's life. An employer would not necessarily be in a position to, or be willing to, cover these costs.

We would also encourage consideration to whether ‘expenses to meet the needs of people who have no recourse to public funds’ should be on the list. Paragraph 6 of the Immigration Rules defines benefits considered as public funds for the purpose of the Immigration Rules. The following benefits and forms of support count as public funds:

- Attendance allowance
- Carers allowance
- Child benefit
- Child tax credit
- Council tax benefit
- Council tax reduction
- Disability living allowance
- Housing and homelessness assistance
- Housing benefit
- Income-based jobseeker’s allowance
- Income related employment & support allowance – ESA (IR)
- Income support
- Personal independence payment
- Severe disablement allowance
- Social fund payment
- State pension credit
- Universal credit
- Working tax credit.

Crisis grants and community care grants may not necessarily be included under these headings, so we would query whether those with no recourse to public funds should be automatically excluded from these grants. However, this investigation should be thorough, as the individual’s legal status could be affected in the case of an inappropriate grant being awarded.

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:

- Families with children who are looked after at home
- Young people who have been looked after at home, who are now care leavers.
- Any young person towards whom local authorities have Corporate Parenting responsibilities
- Young people who have a care history but were not looked after on or after their 16th birthday
- Young person with uncertain immigration status, who may be/have been supported through Section 22 of the Act, but is not a care leaver. (Please note that in this case, local authorities need to ensure that they can give an individual the grant without adversely affecting their legal status).
- Young people who experience adoption breakdown at 16 or over.
- Survivors of historic abuse

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

It would be helpful for local authorities to include a list of the vulnerabilities they considered when making a decision on an application in each decision letter. This will help in the monitoring of vulnerabilities, in terms of taking them into account and also in terms of uptake. It will also provide transparency in the decision making process, in so much as applicants will be reassured that Local Authorities have fully considered their situation and taken their particular context into account.

In the processing of any application, at times there are situations when forms are not accepted due to fields being empty. This can be problematic for certain groups, for example, the field requiring the applicant to supply his/her National Insurance number. This impacts particularly on migrant groups, including those with indefinite leave to remain, refugee status or discretionary/humanitarian leave, as these people may not yet have been allocated an NI number. Young People with uncertain immigration status fall into this group.

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:

Regulation 16 talks about the content of the decision but does not provide a timeline for the notification of the decision to the applicant. This could be achieved by amending regulation 14(1) to state that “Every decision on a fund application is to be communicated to the applicant in writing on the day on which it is made or as soon as is reasonably practicable thereafter, unless the applicant requests otherwise”.

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:

Concerns:

- Page 5, outlining the Local Authority’s responsibilities as Corporate Parents, contains an inaccuracy. Section 2.9 describes a category of individual who is not in fact covered by Part 9 of the Children and Young People (Scotland) Act 2014 – “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” – there was previously to be a Ministerial Order which specified this category, but this is no longer relevant.
- We would encourage the section of corporate parenting responsibilities to make specific reference to some of the duties outlined in Section 58 of the Children and Young People (Scotland) Act 2014, including the duty to ‘promote the interests’ of looked after children and care leavers - which could influence the decision on when to award a grant (section 58 1(c)), and the duty to ‘assess’ the needs of looked after children and care leavers – which would help a local authority to determine whether an individual’s circumstances constitute a crisis (section 58 1(b)).
- Section 2.16 of the guidance states the ‘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 “. We are concerned that this could result in delays in individuals receiving timely support and could exacerbate already difficult situations. If an individual is in a crisis situation both the local authority and DWP should

be eager to ensure that any risks to the individual's health or safety are addressed as quickly as possible.

- Section 2.20 states that 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. We are pleased to see this. We would also suggest that if an individual who has been sanctioned needs to apply for a CG or a CCG, this should serve as a trigger to investigate whether it is appropriate for this individual to be sanctioned in the first place, or whether the sanction is placing undue hardship on the individual and making it difficult for them to achieve a reasonable standard of living. Partnership working between the local authority and DWP staff is critical.
- Section 4.14 states that: "ideally applications should be made by applicants themselves in order to promote individual responsibility but local advice agencies may provide support in the process". We would like to see this rephrased to something along the lines of: "In instances where applicants themselves are able to make applications by themselves they should do so, with the support of local advice agencies during the process where appropriate." The idea of 'promoting individual responsibility' at the expense of complete, accurate applications could result in delays in completing applications and increased costs associated with processing multiple applications and correcting errors.
- Section 4.22 encourages decision makers to be mindful of using social media sites to gather information. We would go further than this and request that they consider this type of 'evidence' to be highly dubious and generally irrelevant to their inquiry – social media is often a forum where some individuals wish to present their 'ideal selves', rather than focusing on a crisis they are facing or their exclusion from society; others may use it to vent frustrations with their current situations, either way the 'evidence' gathered here is neither sound nor reliable.
- Section 4.26 references the Right First Time document. A link could be made between this document and the Continuing Care (Part 11) and Aftercare (Part 10) guidance being developed at the moment by the Scottish Government to support the enactment of these parts in the recently passed Children and Young People (Scotland) Act 2014. The policy intention behind the 'Continuing Care' (Part 11) provisions is to provide care leavers with a more graduated transition out of care. This will help to normalise the experience, by allowing strong and positive relationships between young person and carer to be maintained into adulthood. Aftercare (Part 10) has extended support for care leavers from 21 years old to 26 years old. The decision to do this acknowledges that families continue to provide support to young people throughout their early adult lives, and as such, care leavers should expect a similar level of support from their corporate parents. Moreover, care leavers often face very significant challenges in the years after they leave care. This extension of eligibility to young people aged 21 – 25 allows more young people to seek out support when they need it.
- Paragraph 4.7 refers to setting up a new home in an area outwith that of the location of the institution. Consideration needs to be given to how this works for care leavers, where they move to a new area but their 'looked after' authority is responsible for providing aftercare.

- Section 5.12, refers to prioritisation being determined by how much was paid out that month. This does not seem equitable. The guidance rightly highlights the importance of financial management, however this should never be given as a reason for excluding someone from support to which they are entitled. This could introduce a further category based, not on eligibility, but on date of application encouraging applicants to apply at the beginning of the month as there are more likely to be funds.
- Section 8.1, gives examples of care settings. This could also include also 'residential schools'.
- Section 10.1, discusses the role of the Ombudsman. Care leavers can appeal to Ombudsman over Continuing Care and Aftercare decisions. The developing guidance (mentioned above in relation to section 4.26 has further details).
- In Annex B we are pleased to see various payments for looked after and care leavers noted. However it might be helpful to have some guidance/links (for example, see footnote below²) in the document about these savings accounts. Equally, in drawing attention to possible savings, it would be helpful in the guidance to note that councils might need to work with young people to identify and access their own savings; we suspect many young people will be unaware of the money they have waiting for them.

3) VIEWS ON THE APPLICATION FORM

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

A combined CG and CCG application form	<input checked="" type="checkbox"/>
2 separate application forms	<input type="checkbox"/>

Please tick your chosen option.

Please explain your answer:

A combined CG and CCG application form – this would save time for both applicants and administrators. It would also allow an application that may be suitable for one type of grant but not another to be considered for both simultaneously and for the most relevant type of support to be offered in a timely manner.

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?

² For more information about the CTF and Junior ISA visit www.gov.uk/child-trust-funds and www.gov.uk/junior-individual-savings-accounts. For more information about the role of the Official Solicitor/Accountant of Court as regards the Child Trust Fund visit: [_for Scotland http://www.scotcourts.gov.uk/the-courts/more/the-accountant-of-court/child-trust-funds](http://www.scotcourts.gov.uk/the-courts/more/the-accountant-of-court/child-trust-funds)

We would like to note that this is a long and complicated application form for someone who is in a crisis situation or suffering hardship.

The regulations 5 (2) use the phrase 'entitled to' this is different to being in 'receipt of' and the form should reflect this fundamental difference.

The application form states that *'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'*. The guidance suggests the purpose of a crisis grant acknowledges that some situations are exceptional and those on low incomes may need this occasional support. However, the quote taken from the application form suggests subjectivity rather than an objective assessment of need. Arguably, by removing the 'may decide' to 'can decide' based on the assessment of the application and taking away the - 'but this would be usual' - part should provide a more accurate picture.

It would be helpful to give more explanation regarding the questions about the support have applicants tried to access (that is the question about support from another source and about their own efforts - "What have you or your partner tried?"). This should assist applicants in understanding the purpose of the questions and thus in the assessment of the application in terms of priority and need.

It seems unnecessary for individuals to have to estimate the cost of each individual item they are applying for if local authorities will determine the costs themselves subsequently.

The section on caring for a prisoner or young offender is unclear – the questions should be clear in indicating whose details they are looking for "Name " could refer to the person filling out the form rather than the prisoner or young offender.

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?

There should be somewhere on the form where applicants can indicate whether they fall into the category of individuals to whom Corporate Parenting duties apply (e.g., are they care leavers under the age of 26). This question should be clear and easy to interpret for both applicants and administrators.

A section in the application form, which reads as follows, is particularly unclear: **"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.”

The heading does not match the information which follows. The section on being in care is difficult to decipher and could be taken to mean that no one is eligible to apply for a grant unless they have spent more than three months of their lives in care. We would suggest that the statement, *‘are in care, are not leaving care within 8 weeks or have not been in care for 3 months or more’* is replaced with, *‘are still ‘looked after’ by a local authority, and will still be ‘looked after’ in eight weeks’ time’*.

We would recommend that, in the household section, the definition of ‘child’ covers those up to the age of 18, as defined by the Children and Young People (Scotland) Act 2014.

Overall this is a difficult form to fill in, and we would like to see applicants be encouraged to access support to fill in the application. More examples should be included throughout the form to guide individuals.