

**CONFIDENTIAL**

**Our ref:** RA/Covid/SWF

3 April 2020

Dear Chief Executive

[cc: Liaison Officers]

**Re: Processing SWF applications during the COVID-19 pandemic**

1. I, and my team, hope you and colleagues are keeping safe and well in these challenging and unprecedented times. We recognise that maintaining services to process Scottish Welfare Fund applications is a priority for you, just as we have made processing review applications a priority for us.
2. In light of recent news of the surge in the number of applications for Universal Credit, which is likely to impact on SWF applications, it is important that we do all we can to facilitate and support benefit payments to those most in need in Scotland.
3. We are conscious that the Scottish Government has issued guidance, and thought it might be helpful to supplement that with information on the SPSO's approach.

*Written Communication*

4. We understand that Scottish Government has advised Local Authorities that decision letters do not have to be issued for the duration of the current COVID-19 situation; but that applicants should be advised of their decision and that records should be taken for auditing purposes.
5. Clearly, processing awards timeously for vulnerable people facing crisis situations should be the primary objective during this difficult time. However, it is also important that applicants have a record of their decision, *especially* their review rights.
6. We are very sympathetic to the operational difficulties facing councils at present. We encourage you as far as practicable, in the interests of fairness, to include sufficient information for applicants to understand the reasons for decisions. We also encourage you to try to include as much detail about the reasons for your decisions as you can, so that people don't submit review requests simply because they don't understand reasons for decision, thus creating even more work.



7. In terms of review applications, SPSO's current intention is to continue to issue findings on decision letters where we consider that they are not in line with section 4.29 of the SWF guidance. Please do not interpret this as being unsupportive or unreasonably critical; that is not our intention at all. What we are aiming to do is to highlight the impact on the front-line service of the COVID-19 pandemic, so that it can inform resourcing and future contingency planning at both local and national level.

#### *Decision timescales*

8. Scottish Government has advised us that normal decision timescales are being relaxed to account for the higher than usual volumes of applications.
9. Again, we are acutely aware of the challenges facing councils due to increases in volume and inevitable staffing difficulties. We too are facing similar problems as an organisation due to this unprecedented situation. However, it will only be possible to measure the impact of the Pandemic if we continue to track feedback within the existing guidance. For that reason, we will continue to provide feedback on applications where the timescales set out in section 13 of the Welfare Funds (Scotland) Regulations 2016, have not been followed.
10. Resourcing our SWF review team is a top priority for the SPSO, and we want to make sure that we are able to contribute to any discussions post pandemic by having clear information about what we see as the main impact on LAs capacity to cope with changes in demand.

#### *Fulfilment of awards*

##### Community care grants

11. We are conscious that the delivery and fitting of community care grant awards is unlikely to be possible at present for health and safety reasons. As such, we recognise that the standard timescale of awards being arranged within a week of SPSO decisions will not be achievable.
12. We will, however, continue to our normal process and issue decisions, with one addition. If you receive a decision from us, we recommend that these awards be placed on hold until such time that they can be safely delivered. Where possible let the applicant know what they are likely to be. We appreciate that this could be challenging on a case-by-case basis so you might find it helpful to put information on your website and in other published information, as this will likely apply just as much to applications as to outcomes of reviews.
13. For our part we will ensure case reviewers tell applicants, as appropriate, that although a decision may have gone in their favour, there will be delay in the Council fulfilling the award due to the current situation. If we have any particular concerns about a specific case, we will contact you directly.

##### Crisis grants

14. Where we uphold a crisis grant application at independent review, we respectfully ask that the award is paid without delay in line with 11.2 of the guidance. This is because applicants who have gone through the review process have already been waiting



significantly longer for their award than applicants who are awarded at initial or first tier decision and are likely to be in dire need at this point.

15. I hope you find this helpful and understand why we are taking the approach we are. Please contact me, or SWF team if you have any concerns or comments.

Yours sincerely

Rosemary Agnew  
**Scottish Public Services Ombudsman**

*Correspondence with the SPSO may contain personal and sensitive personal data and information that is confidential and should be kept private. Accordingly, we ask recipients to respect this privacy. This does not affect the rights of recipients to seek legal advice. Where appropriate, recipients are reminded of their obligations under Data Protection Legislation in relation to the processing of personal and sensitive personal data. We also ask that recipients respect the privacy of our staff. If you want to know more about how we handle your own personal information, you can read our Privacy Notice on our website at <https://www.spsso.org.uk/privacy-notice-and-disclaimer> or ask us for a copy.*