

SPSO decision report

Case: 201303140, The Highland Council
Sector: local government
Subject: Crisis grant/failure to follow government guidance
Outcome: upheld, recommendations

Summary

Mr C phoned the council's Scottish Welfare Fund team to ask about applying for a crisis grant. The call handler said that he was not eligible because he was not in receipt of a qualifying benefit. Mr C then complained because he felt the call handler did not deal with his enquiries properly. In responding to the complaint, the council said they were sorry that Mr C was unhappy with the service, but confirmed that because he was not in receipt of an appropriate qualifying benefit, he was not eligible.

In response to our enquiries, the council told us that they did not process a claim for Mr C because it was clear he did not meet the relevant criteria for a crisis grant. They also said that, since then, the Scottish Government had relaxed the eligibility criteria and if he was now to apply with similar circumstances, they might be able to consider his application. We checked the Scottish Government guidance that was in place when Mr C contacted the council. This confirmed that those applying for a crisis grant should normally be in receipt of certain benefits. However, the guidance also said that the key test of eligibility for a crisis grant was the severity of the applicant's circumstances and the likely impact on them and their family. It also said that if an applicant was not in receipt of qualifying benefits, the council could make an exception to the requirement for this if they were satisfied that the person had no other means of support, and an award would avoid serious damage or risk to the health or safety of them or their family.

We found that in saying that Mr C was not eligible for a crisis grant the council effectively made a decision on his request. In addition, when the Scottish Government clarified the guidance, they did not relax the criteria. The guidance in place when Mr C contacted the council clearly said that the key test of eligibility was the need of the individual, not whether they were in receipt of a qualifying benefit, and that the authority had discretion to make an exception to that requirement. In light of this, we upheld Mr C's complaint and found that the council should have processed his application. Had they done so, Mr C could have accessed the review process after being told that he did not meet the criteria, which might have changed the outcome of his application.

Recommendations

We recommended that the council:

- apologise to Mr C for failing to handle his enquiries about a crisis grant appropriately; and
- remind staff administering the Scottish Welfare Fund that, if a person clearly wants to apply, they should process an application appropriately even if success is unlikely.
-