



Welfare Advice Services Review

Lead director: City Barrister

Useful information

- Ward(s) affected: All
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- Report version number plus Code No from Report Tracking Database: 1

Suggested content

1. Purpose of report

To provide the Executive with proposals for saving £0.2m in respect of Welfare Advice Services without reducing service delivery.

2. Summary

- The review of welfare advice services is one of 18 reviews comprising the council's spending review programme. However, it has been recognised from the outset that this review is unlikely to generate significant savings (given that the need for advice is itself affected by public sector spending cuts)
- It is in the Council's best interests as well as those of its citizens to ensure that all citizens are receiving all benefits to which they are entitled, and that the review facilitates this
- The current service provision is expensive due to the reliance upon employed, experienced officers to provide all levels of welfare advice in addition to funding external organisations to do the same.
- There is currently therefore duplication in the provision of services. The authority directly funds an internal welfare rights service as well as external voluntary sector organisations, which also provide some welfare advice.

3. Main report

- The Council currently spends £1.5m on direct welfare advice and similar services. Additionally, other council services provide advice as part of their day to day functions.
- The proposals in this report would save £0.2m per year.
- The following services are scoped into this review:
 - **Welfare Rights Service (WRS)**
 - This is an internal service which costs the authority £427,700 per annum, made up of two components. £344,000 is for the general service and £83,700 is the cost of services provided at children's centres.
 - The Welfare Rights Service provides free information and assistance to help people obtain their correct benefit entitlements including providing assistance to people who have been turned down for benefits and want to appeal.
 - The service is accredited by the Solicitors' Regulation Authority (SRA) to provide advice. This accreditation brings with it additional administrative burdens such as opening files and sending regular written updates to service users.
 - WRS has 24 officers, predominantly at grades 8 (up to £31,160) and grade 6

(up to £24,892).

- The facts of the service being staffed by relatively highly graded officers, the number of officers employed and the SRA accreditation make WRS an expensive way to deliver initial signposting, triaging, low level assistance and advice as well as an outreach service. The flat staffing structure of the service also makes it expensive as there are few admin/lower grade officers to whom non-complex queries and case work can be delegated.
- The most significant increase in case load experienced by WRS over the last three years is from children's centres (126 in 2010/11 increasing to 1048 in 2013/14). This work accounts for almost 30% of WRS' cases overall.
- The service in children's centres currently operates by the centre users booking appointments through centre staff to see a WRS advisor at a later date. WRS officers then try to triage these appointments by telephone. This entails trying to speak to whoever has made the appointment to find out what assistance they require. This triaging does not need to be carried out by an expert benefits advisor. The triage process should identify what level of advice is needed by the particular individual. In particular it should identify whether or not the service user requires advice from WRS or if they can be seen by someone less expensive, for example a CAB volunteer.
- CAB volunteers rather than paid WRS advisors could service the initial appointments.
- WRS carries out case work up to and including representation at tribunal hearings.
- This role can bring the WRS into conflict with other LCC departments.
- The extent of representation could be limited by focussing WRS on complex hearings only.
- WRS dealt with a large increase in "fairer charging long forms" in 2013/4, a total of 887. The Fairer Charging guidance says that benefits advice should be provided at the time of a charge assessment. Whilst it is acknowledged to be good practice for the advice to be provided by someone other than the person carrying out the assessment there is nothing which states that it must be.

Citizens' Advice Bureau (CAB)

- This is a voluntary organisation which has a £400,000 contract with LCC from 1st April 2013. Their remit is to provide a service for all to include social welfare law at all levels from initial signposting and assisted information, generalist advice, generalist advice with casework to specialist representation.
- This is the largest amount of funding provided for advice and assistance to any external organisation which is being considered as part of this review.
- The CAB provides three tiers of advice with the third tier being specialist and includes representation in legal proceedings. Third tier advice is provided in respect of welfare benefits where WRS has a conflict.
- The CAB's strength, according to them, is in providing assistance at levels 1 & 2 (signposting & initial assistance i.e. form filling)
- They would be able to triage.
- There is scope to expand their role within the parameters of their existing contract.

Voluntary Sector Contracts (Adults Social Care)

- There was a recent review of the adult social care voluntary sector contracts as current contracts are due to expire on 31st March 2015 and the new contracts would commence on 1st April 2015.
- A tendering process is underway with new contracts due to commence on 1st April 2015.
- The review will create savings of £135,000 p.a.
- Almost all of the contracts are to provide advocacy.
- LCC has a duty under the Care Act 2014 to provide information and advice relating to care and support for adults and support for carers.
- Some of these contracts will include an element of welfare advice.
- Including Voluntary Sector Contracts within the scope of this review could put the council at risk of not fully complying with its duties under the Care Act 2014.

Highfields Advice Centre

- LCC currently provides £45,000 annual funding in addition to other funding for the Highfields Community Association generally.
- The Highfields Community Association is part of a bigger review in relation to the total funding it currently receives from LCC.
- Reviewing this particular stream of funding in isolation may lead to a need for a separate consultation exercise as well as making the overall review less effective if all elements of current funding were not being considered.

3. Recommendations

- Not to scope the VCS contracts into this review but instead allow the current procurement exercise to continue.
- Not to scope the HCA into this review as again this will be reviewed as part of another ongoing review.
- In line with the Council's policy for organisational review, review WRS with a view to ensuring that it only provides advice and representation in circumstances where their level of expertise and experience is required, and provided we are not already paying CAB to provide the same service. The initial signposting/form filling/triaging/outreach could be provided by the CAB as well as some of the other successful organisations in the VCS review. WRS would effectively no longer be a frontline service but a specialist service which receives referrals from other officers/organisations
- Amend the priorities for CAB, as the organisation with the highest level of LCC funding for advice and assistance which includes welfare advice so that they are concentrating on advice at stages 1&2 and targeting welfare advice. This will not require an increase in funding to CAB. Importantly it will not lead to a reduction in service provision.
- Introduce clear criteria for conflicts so that representation for any appeals against LCC decisions are only undertaken by CAB.
- This would allow WRS to be reviewed; it is believed savings of £200,000 could realistically be achieved in this area.
- If ASC were to undertake the review of WRS this would enable the service to be rationalised without impairing service delivery as ASC would be fully aware of what is already being provided by the other contractors so would be able to

avoid duplication of services.

5. Financial, legal and other implications

5.1 Financial implications

The proposals contained within the report will achieve a saving of £0.2m per annum as a result of reviewing the in-house welfare rights provision. The refocussing of low level advice to be provided by CAB (under their existing contract) will be at no additional cost.

Further savings may be achieved when the various advice contracts are due for renewal and it is envisaged that bringing these contracted services together in one procurement exercise (potentially containing a number of lots) will improve services offered and the management of these arrangements.

Alison Greenhill
Director of Finance

5.2 Legal implications

The Council must provide the following:

Children (Leaving Care) Act 2000

- a duty to help care leavers including benefits advice

Equality Act 2010 - s149 Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Care Act 2014 -s4 Providing information and advice

- (1) A local authority must establish and maintain a service for providing people in its area with information and advice relating to care and support for adults and support for carers.

This services currently being offered in compliance with these duties would not be affected by the proposed review.

The Council has a discretion to provide the following:

WAG – Fairer Charging Guidance

- Councils should ensure that appropriate benefits advice is provided to all users of non-residential social services and carers services at the time of a charge assessment. This can be provided by the person carrying out the charge

assessment.

- Housing repossession – more likely to be reasonable if we've provided advice.
- Local Authority budget settlement – favourably affected by the number of people in receipt of benefits.

National assistance act 1948 s29.

- Welfare arrangements for blind, deaf, dumb and crippled persons.
- Guidance on adoptions – LA should advise adopters about benefits
- Guidance on aftercare for those detained under mental health act

There is no legal duty to have a welfare rights service however it is as stated above it is in the authority's best interests to ensure that income through benefits is maximised.

5.3 Climate Change and Carbon Reduction implications

5.4 Equalities Implications

There are two different sets of equalities considerations arising from this proposal: the potential impact on service users, particularly if they would be disadvantaged because of the proposed changes to the way the service would be delivered; and the potential impact on the service's workforce profile (across the range of protected characteristics) as a result of the organisational review should the proposal proceed.

In regard to the potential impact on service users, the main issues to consider are whether their access to current welfare rights advice would change, and whether the process for the provision of welfare advice would change. In regard to access, the proposal would continue current arrangements as set out in the report. The various stages involved in the provision of welfare advice would also be maintained in the proposal, including the provision of specialised support and advocacy if required. There is the possibility that the alternative proposed method of delivery for the early stages could result in improved access to service users at the beginning of the process. Any positive equalities impacts arising from the implementation of the proposal will be identified as an ongoing record of how we have met our Public Sector Equality Duty should the proposal proceed.

In regard to the potential impact on workforce representation, these will be identified during the review process using the equality impact assessment template and guidance for organisational reviews.

Irene Kszyk, Corporate Equalities Lead, ext 374147.

5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

6. Background information and other papers:

7. Summary of appendices:

8. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”?

No