

ANGUS COUNCIL – 24 MARCH 2016

MANAGEMENT OF THE WELFARE RIGHTS SERVICE

REPORT BY THE CHIEF EXECUTIVE

ABSTRACT

This report advises members on work undertaken to look at options for the future management of the Welfare Rights Service and makes a number of recommendations in this regard.

1. RECOMMENDATION(S)

1.1 It is recommended that the Council:

(i) Note the staff engagement which was undertaken to assess the options for the future management of the Welfare Rights Service as described in paragraphs 4.3 and 4.4;

(ii) Agree that from 1 April 2016 management responsibility for the Welfare Rights Service move to the Resources Directorate and specifically the Revenues & Benefits Service of the Corporate Improvement & Finance Division;

(iii) Note that safeguards and protocols will be put in place to ensure the Welfare Rights Service can maintain its independent advocacy role and that further engagement with staff will take place on the development of these safeguards and protocols;

(iv) Note that detailed transition arrangements will be the subject of further discussion to ensure a smooth handover of responsibilities; and

(v) Note that although members are being asked to approve a specific course of action in this case decisions about line management reporting lines are operational matters for the Chief Executive to determine not ordinarily referred to committee or council.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN

2.1 This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- 2. Angus is a good place to live in, work in and visit;
- 4. Adults maximise their potential through learning opportunities;
- 6. Individuals are involved in their communities;
- 7. Our communities are safe, secure and vibrant;
- 8. We have improved the health and wellbeing of our people and inequalities are reduced;
- 9. Individuals are supported in their own communities with good quality services.

3. BACKGROUND

3.1 Report No 473/15 "Development of the Council Management Structure" was considered by members at the December 2015 meeting of Angus Council. In relation to the Welfare Rights Service the Council agreed "that a further report be brought forward to recommend a way forward for the location of the Welfare Rights Service in the Council structure after consultation with staff in the context of the Council's overarching financial inclusion strategy and response to the welfare reform agenda".

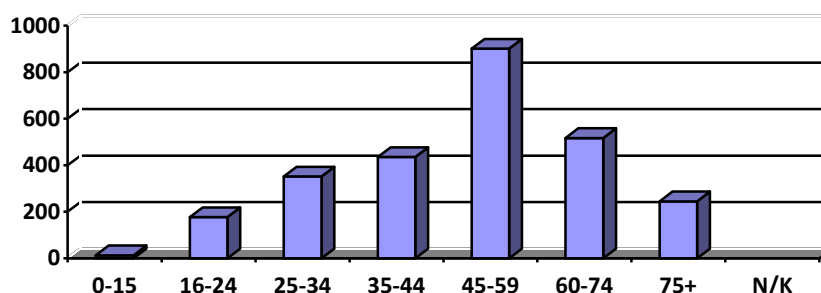
3.2 The Welfare Rights Service is currently managed within the Adult Services Division of the People Directorate but Adult Services will no longer exist in its present form from 1 April 2016 due to the creation of the Angus Integrated Joint Board (IJB) for Health & Social Care. A decision therefore needs to be made about where Welfare Rights services should be placed for future management reporting purposes as the service has not been included in the remit of the Angus IJB by formal agreement between the council and the NHS Tayside Board on the agreement of the Angus Integration Scheme. This report advises members of the outcome of further work undertaken to identify options and makes a recommendation on how the Welfare Rights Service should be managed from 1 April 2016. In this context the Welfare Rights Service covers all staff undertaking welfare rights duties and includes the Welfare Rights Manager, two Senior Welfare Rights Officers, and all other welfare rights staff and admin support within the service including staff who are out-posted within other services.

Welfare Rights Service

3.3 There is no statutory requirement for the Council to provide Welfare Rights Services. Having such services does however enable the Council to fulfil its statutory responsibilities in other areas of legislation such as the UK Child Poverty Act 2010; the Children (Scotland) Act 1995; the Children and Young People (Scotland) Act 2014; the Social Work (Scotland) Act 1968 (Section 12) and specific pieces of Housing legislation. Most Councils provide the service in-house but a few outsource this type of support to organisations like Citizens Advice.

3.4 The client group for the Welfare Rights Service is adults, with those aged 45 and above the largest group currently supported as shown in the diagram below. Many clients have illness or disability issues.

Client Group Age Profile



3.5 In 2014/15 the Welfare Rights Service generated £6.4 million in gains for people living in Angus from a total of 2,600 cases where residents were supported by casework, representation or telephone advice. Table 1 below provides an example of the benefits dealt with and the groups that the benefits apply to as well as the gains made.

Table 1 (table has 3 columns and 9 rows)

Benefit	Client Group	Total gain
Attendance Allowance	Aged 65+ and disabled	£476,486
Carers Allowance	Carers aged 16+	£120,376
Disability Living Allowance	Aged <65 and disabled	£483,602
Employment and Support Allowance	Working age & limited capacity to work	£1,156,760
Pension Credit	Older people of pension age	£136,115
Personal Independence Payment	Aged <65 and disabled	£835,919
Tax Credit	Working age	£310,500
Housing Benefit and Council Tax	Aged 16+	£314,520

This list is not exhaustive and does not total £6.4 million

3.6 During 2014 Welfare Rights Officers represented clients at 84 appeals with a 55% success rate. Advisors also helped service users with achieving the writing off £1.1 million in debt via sequestration.

Management Arrangements in Other Councils

3.7 Table 2 identifies where Welfare Rights Services are currently managed across Scotland. It will be noted that there is a diversity of management arrangements across Councils.

Table 2

Managed within	Number
IJB (Health and Social Care Integration)	7
Housing Services	3
Communities/Environment Services	3
Social Work	3
Education/Community Education/Learning	3
Corporate Services	1
Chief Executives	1
Finance(other than Revenues & Benefits)	2
Customer Services#	1
Revenues & Benefits *	2

**Both of the services that sit under Revenues and Benefits offer a limited advice service. One of them does not provide money/debt advice, only welfare benefits advice. One service sitting within Revenues and Benefits does not do benefit appeals as they refer to Citizens Advice Bureaux for this.*

- in Dundee City Council Welfare Rights is part of Customer Services alongside Revenues & Benefits.

4. CURRENT POSITION

4.1 To fulfil the remit given by Council in December officers have looked at a number of options for the future management of the Welfare Rights Service and identified the main pros/potential benefits and cons/risks associated with each. It is important to stress that this work was not a full service review of the Welfare Rights Service (that was covered in Report 14/15 to the Social Work & Health Committee in January 2015) but solely a consideration about where the Service should be placed in management structure terms from 1 April 2016.

4.2 A total of 6 options were identified as follows:-

1. Revenues & Benefits
- 2a. Angus Integrated Joint Board (delegation of function)
- 2b. Management by Angus Integrated Joint Board staff (no delegation of function)
3. Communities Directorate
4. Resources Directorate (other than Revenues & Benefits)
5. Children & Learning Directorate (formerly People)

4.3 The approach to this piece of work was to prepare a detailed options paper for consideration by the Executive Management Team (EMT) and that in turn has informed preparation of this Report. The options paper summarised the background to the Welfare Rights service the benefits it brings to Angus and information on the Service's main client group. The options paper identified a number of pros/potential benefits as well as cons/risks associated with each of the options listed above.

4.4 The draft options paper was shared with all Welfare Rights staff on 5 February 2016 and then discussed with them at a workshop on 16 February 2016. An updated draft of the options paper was circulated to staff on 24 February and feedback thereon added as an Appendix to the final version of the options paper considered by the EMT.

5. OPTIONS APPRAISAL & RECOMMENDED OPTION

5.1 Appendix A attached summarises what are considered to be the main points of note for each of the options reviewed.

5.2 Welfare Rights staff are unanimously opposed to the option of being managed within Revenues & Benefits (Option 1). Their primary concerns are around conflicts of interest or the perception of such conflict when advising clients and the possible loss of the strong links and ethos which currently exists with their adult services/social work colleagues. Staff favour management through the IJB arrangements (either option 2a or 2b) primarily because this would largely maintain existing arrangements, keep the service in a social work type setting and avoid the concerns raised about conflicts of interest.

- 5.3 It is clear from the assessment of the options that there are pros and cons associated with each. The pros and cons identified for each option are not exclusively reliant on that option being implemented e.g. some of the pros could be achieved through other means and some of the cons may be able to be overcome. Management structure placement does not drive all of the pros and cons. In addition management structure placement is far less relevant than how the service operates in practice and how it delivers its services which are about people and how they work together.
- 5.4 The choice of which option to adopt should be guided by what we believe is in the best interests of the Council and the people it serves based on what we want to see for the future of the Welfare Rights Service and in particular how it will be developed and managed in a future where many challenges will exist. The choice should reflect on staff views but not be guided solely by these.
- 5.5 Given the emphasis which Angus Councillors have previously expressed about the Welfare Rights Service and recognising its non-statutory nature the retention of the Service within the Council's management structure instead of delegation to the IJB has a number of attractions. Despite staff concerns there are clear synergies and potential benefits for financial inclusion and tackling welfare reform challenges from Welfare Rights staff working alongside colleagues in Revenues & Benefits who already provide a range of services including advice and support to some of our most vulnerable citizens. The 2 groups of staff have more in common in what they are seeking to deliver than they have differences in roles.
- 5.6 The concerns raised by staff about Welfare Rights being managed as part of Revenues & Benefits have been over emphasised and it is considered that these concerns could be managed and dealt with. It will however be necessary to put in place suitable safeguards and protocols to manage for example the risk of conflicts of interest and it is intended that Welfare Rights staff be involved in designing those safeguards and protocols. For the avoidance of doubt these new management structure arrangements will be operated on a basis which does not impinge on the independent advocacy service the Welfare Rights Team provides.
- 5.7 One of the issues arising from the recommended option concerns the current Welfare Rights Manager who has taken on a wider remit than welfare rights services alone. Detailed transition arrangements will be the subject of further discussion to ensure a smooth handover of responsibilities
- 5.8 Members will appreciate that although they are being asked to approve a specific course of action in this case following the Council's consideration of Report 473/15, decisions about line management reporting lines are operational matters for the Chief Executive to determine and are not ordinarily referred to committee or council. In compliance with the council's standing arrangements this will be the approach in relation to any future adjustments in line management and reporting arrangements required as the result of service redesign. More significant decisions about fundamental changes to the Council's management structure will however continue to come to Council for approval.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no additional financial implications arising from the recommendations in this report.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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Appendix A – Summary of Options Appraisal – Main Pros & Cons

Option 1- Revenues & Benefits

1.1 Under this option the Welfare Rights Service would be managed as part of the Revenues & Benefits Service within the Corporate Improvement & Finance Division of the Resources Directorate but it would continue to have its own service manager who would be part of the Revenues & Benefits management team.

1.2 The Welfare Rights Manager would continue to manage the service on a day to day basis. The service would retain a high degree of autonomy but safeguards and protocols would be needed to manage potential conflicts of interest and maintain the independent advocacy role of Welfare Rights.

1.3 Main Pros/Potential Benefits

- Could improve relationships, address misconceptions about roles and break down barriers between benefit assessment staff and welfare rights staff.
- Supports delivery of the financial inclusion strategy recently agreed. Although the roles are different staff in Welfare Rights and Revenues & Benefits all have an important role to play in promoting financial inclusion.
- Enables joint approach to publicising welfare reforms and minimising the impact on the most vulnerable service users and gives potential for future joint campaigns e.g. using Revenues data to target those most in need of support from the welfare rights service
- Improved referral and follow up arrangements between the Revenues & Benefits and Welfare Rights and a more integrated approach adopted to promoting take up of local authority administered welfare benefits.
- Greater scope for more effective money advice work, referrals from Debt Recovery teams. Supports an early intervention model in terms of tackling indebtedness.
- Welfare Rights and Revenues & Benefits will have key albeit different roles to play in helping and supporting service users affected by Universal Credit under the DWP's Delivery Partnership Agreement (DPA). The DPA will be with Angus Council as lead partner and management of delivery could be aided by Welfare Rights continuing to be part of the Council's management structure.

1.4 Main Cons/Risks

- The autonomy of the welfare rights service to challenge decisions may be brought into question but only if its not set up with appropriate safeguards. Such safeguards would need to include the Welfare Rights Manager having the final say on all welfare rights decisions. Legal services made comment about this risk.
- External funding for projects may be affected.
- The impartiality of the service may come into question and may deter service user engagement e.g. in a case where a decision has been made by a member of revenues and benefits staff and is being appealed by another. This could be solved through safeguards and agreed working protocols to maintain independence but there may be a risk of challenge by service users or through Tribunals. Appeals levels are not currently significant in volume terms.
- Many service users also have other social work services and the move could affect the current consistency in approach and effective joint working between social workers/care managers and welfare rights staff.
- Concerns have been expressed about the impact on links to other parts of social care services e.g. adult protection services

- Providing a comprehensive debt advice service might be compromised as some of these debts would be due to Angus Council for rents and council tax. Impartiality within the field of advice is paramount. Suitable protocols would need to be adopted to reduce this risk arising but this would require careful management.

Option 2a - Integrated Joint Board (delegation of function)

2.1 Under this option the Welfare Rights Service is managed within the Integrated Joint Board along with other adult services and is included as a delegated function within the Integration Scheme. How the service is managed would ultimately need to be decided by the Joint Board who may wish to change existing arrangements but for the option appraisal it has been assumed the service would have its own service manager within the new joint arrangement.

2.2 It is relevant to note that the Angus Integration Scheme for Health & Social Care has been prepared and agreed between the council and the NHS Tayside Board and with the Scottish Government on a basis that Welfare Rights services are not currently in scope for management by the IJB. It would be necessary to revisit the Integration Scheme already agreed should this be the preferred option.

2.3 Main Pros/Potential Benefits

- Welfare rights function would effectively remain within a social work setting with the continued proven benefits of joint working including income maximisation prior to charging for services.
- Partnership arrangements between the welfare rights service and health may be stronger and bring benefit as many (majority) of service users have long-term health issues.
- The bulk of welfare rights service users are within the 45 and over age group and have a long – term illness or a disability. These are the same service users that will be dealt with by the integrated health and community care services.
- Money/debt advice would remain impartial when dealing with cases which included debts to Angus Council.
- Welfare Rights assist the most vulnerable citizens affected by Welfare Reform e.g. those with mental health issues, drug and substance abuse, brain injury, physical disabilities. Referral routes and speedy advice could be enhanced by a move to the IJB.
- Develop better working relationships with health colleagues who welfare rights depend on for medical evidence and support on complex cases. This link is vital for appeal tribunals where medical evidence can mean the difference between winning or losing the appeal.

2.4 Main Cons/Risks

- Delivery of this option would require a review of the Integration Scheme already approved by Angus Council, the Angus IJB and Scottish Government. Legal advice suggests this should not be a big issue but it is something which would need to be agreed.
- As a non-statutory service competing for scarce resources in the high profile environment of health and social care welfare rights service levels may come under more pressure due to financial constraints than would be the case if it remained part of the Council.
- The Council's influence on the service would be significantly diminished if it becomes part of the IJB. IJB members may question the value of the service compared to other statutory services.
- Implementation of the Financial Inclusion Strategy may be more difficult if Welfare Rights is part of the IJB rather than part of the Council. Its distance from mainstream council services and initiatives could impact on the anti-poverty agenda.
- Potential exclusion of clients who don't access Health and Social Care Services – either due to vulnerabilities or no need to access but still requiring Welfare Rights input

Option 2b - Management by Integrated Joint Board Staff (no delegation of function)

2.5 This option arose somewhat unexpectedly through clarification with legal services on the status of the current Integration Scheme and the need for Government approval to any changes. This option would mean Welfare Rights being managed by an officer of the IJB but without the function being formally delegated through the Integration Scheme. It is unclear if this approach would be acceptable to the IJB.

2.6 Main Pros/Potential Benefits

The pros of this option are largely in line with those for Option 2a but with the additional benefit of the Council retaining full responsibility for the service and its future direction and there being no need to change the current Integration Scheme agreed with Scottish Government. This option may also lessen the risk to the service being de-prioritised in future as the Council alone would retain such decisions

2.7 Main Cons/Risks

Although permissible under the Integration legislation there are a few additional cons associated with this option compared to Option 2a. It would be an odd arrangement from an IJB perspective to ask one of their staff to manage the service without that manager or the IJB having full control over decisions about the service. There is also risk around senior management of the service not being directly accountable to the Council but instead having accountability via the IJB. As a minimum there would be a need to agree this approach with the Board of NHS Tayside and the IJB itself.

Option 3 - Communities Directorate (e.g. Housing or Community Learning)

3.1 Under this option the Welfare Rights Service is managed within the Communities Directorate possibly within Housing. Again the service would have its own manager who would continue to manage the service but with a new management reporting line.

3.2 Main Pros/Potential Benefits

- Service could work out of Housing Offices nearer to their service users. This would be achievable regardless of management structure placing.
- Welfare Rights currently have close joint working arrangements with housing and have a post funded by them.
- There would not be a conflict of interest on decision making. Dealing with debt would not be an issue.

3.3 Main Cons/Risks

- There is a limited shared customer base as only some Welfare Rights service users are council tenants.
- May focus too much on a generalist service and not the most vulnerable clients.
- There are fewer benefits within this option compared to Options 1, 2a and 2b.

Option 4 – Elsewhere in Resources

4.1 The Welfare Rights Service would be managed within another area of the Resources Directorate. Again the service would have its own service manager.

4.2 Main Pros/Potential Benefits

- Would be well placed to contribute to anti-poverty through identifying issues clients are experiencing on the frontline – e.g. childcare, zero hours contracts, low pay, in work poverty given Resources leadership of Welfare Reform agenda.
- Location in Resources could increase Welfare Rights' impact across Council as a whole as they become aware that the section's work can significantly alleviate poverty and reduce demand on Angus Council services.
- Opportunity to tackle complex connected issues service users face and scope for new multi-agency work to resolve these issues.

- 4.3 Main Cons/Risks
- Period of adapting to different culture for the Service and potential distance from Social Work ethos.
 - Risk of perceived conflicts of interest (i.e. dealing with overpayments and appeals).
 - Over time the risk of reduced partnership working with Social Care and Health (where welfare rights will still be needed)
 - Limited benefits in comparison to Revenues & Benefits option given nature of the work and service users
 - Could be issues with accessing charitable funds

Option 5 – Elsewhere in People (Children & Learning Directorate)

5.1 This would be similar to Option 4 but the service would be managed under one of the remaining Children & Learning functions

5.2 Main Pros/Potential Benefits

- Allows focus of Service on eradicating child poverty and helping to improve Children's key development outcomes
- Early intervention possible in terms of household poverty – benefit and debt advice for whole family and non-resident parents. Tested through work already done with EYC.
- Base from which to challenge perceptions of poverty – i.e. in work poverty a major issue and likely to worsen. Recent research suggests that 59% of children in poverty have at least one parent in work. Service takes holistic approach for whole family
- Current social work ethos and professional identity largely protected.
- 2 welfare rights staff are already working with Childrens' Services as part of Intake Services.

5.3 Main Cons/Risks

- Could be overly focused on one client group to the detriment of other client groups, particularly Health and Social Care clients.
- Possible limited autonomy to develop services that don't fit Children's and Families Service outcomes.
- Potential exclusion/non-prioritisation of clients who don't access children and families services – but who still require welfare rights input and assistance.
- Destination and utilisation of the service within Children's and Families Service is unclear.