



# Welfare Funds (Scotland) Act 2015

## 2015 asp 5

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 3rd March 2015 and received Royal Assent on 8 April 2015.**

An Act of the Scottish Parliament to make provision about the maintenance of welfare funds and to provide for them to be used to help certain individuals; and for connected purposes.

### *Welfare funds*

#### **1 Welfare funds**

Each local authority is to maintain a fund (called a “welfare fund”) comprising—

- (a) any grants paid into the fund by the Scottish Ministers, and
- (b) any amounts paid into the fund by the local authority.

#### **Commencement Information**

**II** S. 1 in force at 1.4.2016 by S.S.I. 2015/428, art. 2(2)

#### **2 Use of welfare funds: assistance for short term need and community care**

- (1) A local authority may use its welfare fund only in order to provide occasional financial or other assistance to or in respect of individuals for the purposes of—
  - (a) meeting, or helping to meet, an immediate short term need—
    - (i) arising out of an exceptional event or exceptional circumstances, and
    - (ii) that requires to be met to avoid a risk to the wellbeing of an individual,or
  - (b) enabling qualifying individuals to establish or maintain a settled home.
- (2) “Qualifying individuals” means individuals who have been or, without the assistance, might otherwise be—
  - (a) in prison, hospital, a residential care establishment or other institution, or
  - (b) homeless or otherwise living an unsettled way of life.

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*Changes to legislation: There are currently no known outstanding effects for the Welfare Funds (Scotland) Act 2015. (See end of Document for details)*

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- (3) The assistance which a local authority may use its welfare fund to provide does not include making loans.
- (4) A local authority may exercise its power under subsection (1) by making a payment to a third party with a view to the third party providing, or arranging the provision of, goods or services to or in respect of an individual.

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**Commencement Information**

**I2** S. 2 in force at 1.4.2016 by S.S.I. 2015/428, art. 2(2)

*Review by local authority*

**3 Review of decisions**

- (1) Where an applicant for assistance in pursuance of section 2 from a local authority applies to it to do so, the local authority must review its decision on the application.
- (2) Subsection (1) is subject to subsection (3).
- (3) The Scottish Ministers may by regulations—
  - (a) provide as to circumstances in which a decision made in pursuance of section 2 is not to be reviewed under subsection (1),
  - (b) provide as to how an application for review under subsection (1) is to be made,
  - (c) provide as to time limits for the making of applications for review under subsection (1).
- (4) Regulations made under this section are subject to the affirmative procedure.

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**Commencement Information**

**I3** S. 3(1)(2) in force at 1.4.2016 by S.S.I. 2015/428, art. 2(2)

**I4** S. 3(3)(4) in force at 1.2.2016 by S.S.I. 2015/428, art. 2(1)

*Supplementary*

**4 Further provision**

- (1) The Scottish Ministers may, by regulations, make further provision in connection with sections 1 to 3.
- (2) Regulations made under this section may, in particular, make provision—
  - (a) about how an application to receive assistance in pursuance of section 2 is to be made,
  - (b) about the procedure which local authorities are to follow in relation to such applications, including the period within which they are to take any particular steps,
  - (c) about the eligibility of individuals to receive assistance in pursuance of section 2,

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- (d) about other circumstances in which assistance may, or may not, be provided in pursuance of section 2,
  - (e) about the type of assistance which may be so provided,
  - (f) about circumstances in which amounts may require to be repaid or recovered in respect of assistance which has been so provided,
  - (g) requiring a local authority to provide the Scottish Ministers with such information in connection with the exercise of its functions under sections 1 to 3 as may be specified in the regulations,
  - (h) about the procedure which local authorities are to follow in relation to reviews in pursuance of section 3, or applications for such reviews, including the period within which they are to take any particular steps,
  - (i) requiring persons to provide information for the purposes of a review by a local authority in pursuance of section 3,
  - (j) about circumstances in which an application to receive assistance or an application for review by a local authority may be made by a person on behalf of an individual.
- (3) Regulations making provision of a type described in subsection (2)(b) must provide that a local authority is to make its decision on an application for assistance in pursuance of section 2(1)(a)—
- (a) immediately after the authority has received all information allowing a decision to be made, and
  - (b) in any event, no later than the end of the next working day.
- (4) Regulations made under this section may make—
- (a) different provision for different purposes,
  - (b) incidental, supplementary, consequential, transitional, transitory or saving provision.
- (5) Regulations made under this section are subject to the affirmative procedure.

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**Commencement Information**

**I5** S. 4 in force at 1.2.2016 by [S.S.I. 2015/428](#), [art. 2\(1\)](#)

**5**      **Respect for, and dignity of, applicants for assistance**

In exercising its functions under sections 1 to 3, or any regulations under section 4, a local authority must take reasonable steps to ensure—

- (a) that applicants for assistance in pursuance of section 2 are treated with respect, and
- (b) that their dignity is preserved.

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**Commencement Information**

**I6** S. 5 in force at 1.4.2016 by [S.S.I. 2015/428](#), [art. 2\(2\)](#)

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## 6 Guidance

- (1) A local authority must have regard to any guidance issued by the Scottish Ministers in connection with the exercise of its functions under—
  - (a) sections 1 to 3,
  - (b) any regulations made under section 4.
- (2) Guidance issued under this section—
  - (a) must be addressed to, and apply in the same way to, all local authorities,
  - (b) may be general or specific,
  - (c) may be varied or revoked.
- (3) Before issuing, varying or revoking guidance, the Scottish Ministers must consult—
  - (a) such body representing local authorities as they think fit,
  - (b) the Ombudsman, and
  - (c) such other persons as they consider appropriate.
- (4) The Scottish Ministers must publish guidance issued under this section in such manner as they consider appropriate.

### Commencement Information

**I7** S. 6 in force at 1.2.2016 by [S.S.I. 2015/428](#), [art. 2\(1\)](#)

*Further review by Scottish Public Services Ombudsman*

## 7 Application to Ombudsman for further review

- (1) Subsection (2) applies where an applicant for assistance in pursuance of section 2 is dissatisfied with the outcome of a review by a local authority in pursuance of section 3.
- (2) An application for a further review may be made to the Ombudsman—
  - (a) by the applicant, or
  - (b) by a person authorised for the purpose by the applicant.
- (3) An application under subsection (2) may be made orally or in writing.
- (4) The Ombudsman must not consider an application under subsection (2) made more than one month after the day on which the applicant first had notice of the outcome of the review by the local authority in pursuance of section 3, unless the Ombudsman is satisfied that there are circumstances which make it appropriate to consider an application made outwith that period.
- (5) It is for the Ombudsman to determine whether an application under subsection (2) has been duly made.

### Commencement Information

**I8** S. 7 in force at 1.4.2016 by [S.S.I. 2015/428](#), [art. 2\(2\)](#)