

Dudley MBC

Transitional Local Welfare Assistance Scheme 2013/14

Draft Policy

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Transitional Local Welfare Assistance Scheme 2013/14

1. Introduction

- 1.1 The purpose of this document is to outline how Dudley MBC will operate a transitional 'Local Welfare Assistance scheme', the criteria to be used to decide an award, what assistance can be offered, and what is excluded.
- 1.2 There will be two forms of awards under this scheme
 - Crisis Awards - these awards provide short term access to essential items i.e. food, heating, lighting, clothing, white goods and furniture.
 - Community Care Awards - these aim to help people remain in the community or move back into the community by providing a range of standard items such as beds, bedding, furniture or white goods.
- 1.3 The Council will be responsible for the administration of the application and decision making process and is committed to working with the local community and third sector and other interested parties to facilitate the provision of support directly to applicants .

2. Considerations for an Award

- 2.1 The Council will consider making an award to applicants who meet the eligibility criteria specified in this document and who are not subject to any of the listed exemptions. The operation of the scheme is at the Council's discretion and applicants do not have an automatic right to an award.
- 2.2 The scheme will operate on a non cash basis, so will not directly replace lost or stolen money, or money spent by partners or relatives. Under such circumstances successful applicants will be signposted to relevant crisis support e.g. food banks or be provided with vouchers for heating or light.
- 2.3 Existing statutory or discretionary provision from alternative sources (DWP, Council directorates) will be considered before an award is made, for example if an applicant is entitled to Housing or Council Tax Benefit and is suffering from exceptional financial hardship as a direct result of housing costs, an applicant may be entitled to assistance via the Council's Discretionary Housing Payment scheme.
- 2.4 Applicants will be restricted to no more than 2 awards within a rolling 12 month period, commencing from the date their last award was made (e.g. 1 crisis award & 1 community care award, or 2 crisis awards). In making an award there may be a condition attached, for example, to attend a budgeting course or seek advice and guidance from the Citizens Advice Bureau and it would be expected that the condition had been fulfilled when considering any further application. Exemptions may be granted for applicants with an urgent need, that if unaddressed, will pose a substantial risk to their health and safety.
- 2.5 Consideration will be given to whether an applicant, partner or other household member has sufficient capital resources, and in the case of partners and household

members are willing, to meet their needs . For the purposes of this scheme, capital resources refer to: savings in cash, money in banks or building societies, saving schemes, premium bonds, stocks, shares and investments in property or land.

3. Core Eligibility Criteria for both Crisis Awards and Community Care Awards

3.1 To be considered for either award, applicants must satisfy ALL of the following conditions:

- Be aged 16 or over.
- Be without sufficient resources to meet an urgent need that poses an immediate and substantial risk to their health and safety or that of their dependants.
- A resident of the Dudley Borough for the past 6 months or 3 years out of the past 5 years. Or, if a member of the Armed Forces, then a strong connection to the Dudley Borough is required. However, exceptions will be granted where the applicant requires refuge or care following abuse, harm or an unsettled way of life or where the applicant needs to live in the borough to receive support .
- Legally resident in the UK

4. Scheme exclusions for both Crisis Awards and Community Care Awards

4.1 The following people are excluded for support in all circumstances:

- A person in hospital or care home (independent or local authority), unless their discharge is planned to take place within 8 weeks.
- A person subject to immigration control by virtue of the Immigration and Asylum Act
- Prisoners and people lawfully detained, unless their discharge is planned to take place within 8 weeks.
- Members of a religious order who are fully maintained by the order

4.2 The following people are also excluded from support, except in very exceptional circumstances:

- Full-time or part-time students not on Income Support, Income Based Job Seekers Allowance, Income Related Employment Support Allowance, Pension Credit (including payments on account) or equivalent welfare benefits – they can only receive support for expenses arising out of a disaster (an event causing great distress or destruction e.g. major house fire, flood, explosion or chemical leak) .

- A person from abroad who fails or would fail the habitual residence test for the purpose of welfare benefits and other entitlements.
- A person subject to benefit sanction or disallowance to their Job Seekers Allowance, Employment Support Allowance, Income Support or Pension Credit or equivalent welfare benefits , or a person awaiting a realignment of benefit payments. .

5. Crisis Awards

5.1 Crisis awards cover situations where a household has insufficient resources to meet an urgent need that poses an immediate and substantial risk to their health and safety or that of their dependants.

5.2 Crisis refers to an urgent need as a consequence of an emergency, disaster, unforeseen circumstance or a pressing need.

For example, the following could be considered an urgent need as a consequence of a crisis:

- No access to essential items (food, heating and clothing)
- The imminent risk of homelessness deemed to be unintentional
- A deterioration in health
- The imminent risk of children being taken into care
- Domestic abuse, neglect and harm

5.3 The following situations do not count as a crisis in themselves (but may create an urgent need);

- Minor mishaps or damage / failure of a household item;
- Lost or spent money,
- Accessing capital that is not realisable,
- Benefit disallowance or sanctions.

5.4 The council will give consideration as to whether the urgent need:

- can be met by other sources of help or the possibility that some other person or body may wholly or partly meet the need;
- can be met from the applicants or household savings;
- would not abate without immediate support;

5.5 If the crisis has been caused by an underlying issue, such as deterioration in health, drug and alcohol problems, unemployment or an abusive relationship, then in addition to assessing the immediate crisis, a referral will be made to the appropriate agency/directorate. This is intended to assist people with complex needs and minimise further application(s) to the scheme.

5.6 Applicants must demonstrate the need cannot be met by another source, and the award will have a substantial and immediate effect on improving their circumstances

6. Community Care Awards

- 6.1 Awards for community care are intended to help vulnerable people live independent lives to remain and/or become integrated within their community. Applications can be made by the person requiring care, their appointee, their carer, their advocate or a third party agent acting on behalf of the applicant.
- 6.2 An application may be considered in any of the following circumstances;
- Help for people leaving care to establish themselves in the community
 - Help for people to stay in the community rather than enter care
 - Help to ease exceptional pressures
 - Help for offenders leaving custody to re-adjust to life outside of prison and reintegrate back into the community.
 - Help for people to set up a home as part of a resettlement programme following a period without a settled way of life
- 6.3 To qualify for a community care award, the applicant must be in receipt, or have an entitlement to;
- An 'out of work' related benefit; Income Support, Income Based Job Seekers allowance, Income Related Employment & Support allowance.
 - A disability related benefit;
 - Pension credit.
- However, by themselves, these benefits do not give an entitlement to an award; therefore, regard to all circumstances will be taken into account.
- 6.4 Similar to crisis awards, the applicant must demonstrate the need cannot be met by another source, and the award will have a substantial effect on improving their circumstances.
- 6.5 The Council will assess the application to determine if the applicants circumstances require support under responsibilities that should be funded through existing budgets, and if so they will be referred to the relevant directorate for assistance.

7.0 How to Apply

- 7.1 All applicants will be required to complete an application form and supply information to validate their need, circumstances and eligibility. Applicants will be encouraged to seek assistance from statutory and advocacy agencies should assistance with applying be required or for the purpose of compiling and verifying information.

7.2 An application can be submitted via the following ways:

- Online application form
- By telephone
- A referral via an advocate, agency or statutory authority acting on the applicants behalf;

7.3 If an application is made on behalf of a person, other than the person concerned, that person must give their consent. This, for example, could be a carer making an application on behalf of someone leaving residential care.

7.4 All enquiries and applications will be processed by the Council between the hours of 9.00am – 5.00pm, Monday to Friday.

7.5 In the case of an out of hour's emergency applicants will need to contact the following;

- If a child is at risk of abuse, harm or neglect ; Emergency Duty Team on 0300 555 8574 or contact the Police by telephoning 0345 113 5000;
- If an adult is at risk of abuse, harm or danger to themselves or others ; Emergency Duty Team on 0300 555 8574 or contact the Police by telephoning 0345 113 5000;
- If applicant is at risk of becoming homeless or is actually roofless ; Homelessness Prevention and Response Team on 0300 555 8283
- If applicant is a council tenant and has an emergency repair or housing problems; Repairs Management Centre on 0300 555 8283.

8.0 Verification/Decision Making

8.1 A number of information gathering processes may be undertaken by the council to verify information and reach a decision:

(i) Telephone

The Council may contact the applicant via telephone to: verify information provided; clarify details of the crisis or care need; review the factors that have triggered or maintained an urgent need; and to discuss other types of support that may be appropriate to the specified need.

(ii) An interview

In exceptional circumstances and/or if the applicant requires substantive support, an interview may be required in order to carry out a comprehensive assessment of risks to health and safety. An interview provides no guarantee of an award;

however, it does provide an opportunity to assess what other types of support is applicable.

(iii) Liaison with advocacy services, agencies and statutory authorities

Where appropriate the Council will liaise with statutory authorities and specialist agencies to verify the substantial and imminent risks to the applicants / immediate family members overall health and safety. In doing so, we will evaluate, based on the advice given by lead professionals, whether:

- the person(s) concerned have the resources to meet their own needs
- the items or services applied for will contribute towards an immediate improvement on their circumstances
- and whether broader support will be in place to address the causes that may underlie a crisis or care need.

8.2 Upon completion of verification and consideration of the applicant's circumstances, case details and eligibility; the Council may reject an application on the basis:

- The applicant does not meet the eligibility criteria listed.
- The applicant is subject to one or more of the exclusions listed.
- The urgent need can be met by other sources of help or the applicant has failed to demonstrate how they have sought to address their need through other types of assistance
- The applicant is deemed to have sufficient resources to meet the urgent need
- Following the date the crisis or care need had arisen, the circumstances of the applicant or their family members' have changed in such a way that they no longer satisfy the criteria for an award.
- The applicant is deemed to not meet the considerations for award.
- The item(s) or service(s) applied for are ineligible.
- The application is deemed to be fraudulent.
- Insufficient information is provided to verify the applicants need, circumstances and eligibility.

8.3 In reaching a decision, the council may conclude:

- An application is rejected for the reasons outlined in above section.

- A partial award is made owing to the fact that not all of the requested items or services will directly reduce the health and safety risks associated with the applicants circumstances.
- Under certain circumstances, the applicant's crisis or care needs may satisfy the criteria for an award; however, the items or services requested may be deemed ineligible or will not directly reduce the health and safety risks associated with their circumstances. In such cases, the assessor will use discretion to recommend suitable items or services having consulted the applicant and relevant agencies. Thereafter, an award will be conditional upon the applicant agreeing to the recommendations set out by the assessor but on all accounts, the Council reserves the right to decline an award.
- An award is made in full for the items or services requested on the premise of the applicant satisfying all of the criteria and conditions set out in this policy.
- Not all qualifying applications can be paid as this scheme has a cash limited budget. A decision will take account of monthly budget positions and demand patterns.

8.4 The Council reserves the right to reject applications at any stage of the assessment process.

9.0 Notification

9.1 Applicants will be notified of their decision either in writing, via telephone or via e-mail. The reasons for a decision will be explained as well as the options available to the applicant.

10. Awards

10.1 An award could be in the form of:

- A pre-paid voucher or payment card, which the applicant can use to purchase the agreed items / goods.
- A purchase order being raised for the agreed item / service on behalf of the applicant by Dudley Council
- The use of a third party to provide an agreed item or service on behalf of the council.

No cash awards will be made.

10.2 Depending on applicants' circumstances, awards may be made to:

- The recipient /applicant
- Their partner or immediate family member acting as an appointee
- An advocate service or statutory authority acting on behalf of recipient/applicant.

- 10.3 Local Welfare Assistance scheme awards will be subject to terms and conditions, e.g vouchers, goods or services supplied are for the use of the applicant and their dependants and should not be given or sold to another person.

11. Reviews

- 11.1 An applicant or their appointee can request a review of the decision if they can demonstrate
- There has been a factual error based on the decision made
 - There has been an oversight on a significant piece of evidence
 - New evidence has been provided which was not included with the original application
- 11.2 A request for a review must be made, in writing, within 1 calendar month of the date of the decision to the Council's Head of Benefits Services. The review will be conducted by a manager not involved in the original decision
- 11.3 If, following a review, the applicant remains dissatisfied with the outcome, a request for a second and final review can be made, in writing, within 14 days of the date of the first review decision to the Assistant Director of Customer Services.

12. Monitoring / Audit of the Scheme

- 12.1 To ensure transparency and consistency, there will be regular monitoring of applications, the decision making process and any subsequent awards under the scheme. This monitoring will be undertaken with due regard to the Council's responsibilities under all relevant legislation.

13. Fraud

- 13.1 Dudley MBC has a zero tolerance to fraud. An applicant who attempts to or fraudulently claims a grant by falsely declaring their circumstances, providing a false statement or representation in support of their application, may commit an offence. The authority will investigate suspicions of fraud, and where proven, action will be taken which may include criminal proceedings.

14. Other forms of Support

- 14.1 The Council cannot guarantee an award. We will provide advice and assistance to applicants regarding alternative sources of information, advice and guidance, to ensure people in crisis or in need of community care can get access to support that will safeguard against risks to their health and safety.
- 14.2 In some circumstances we will, as a condition of an award, undertake an assessment of their immediate and additional households needs to identify other relevant sources of support.

This support, for example, could include:

- Help to maximise income - benefit and entitlement checks
- Money & debt management advice
- Employment Support – help to find job opportunities.
- Childcare support
- Referrals to specialist advocacy services
- Referrals to specialist health programmes

14.3 All personal information disclosed by the applicant will be treated with the strictest confidentiality in accordance with the Data Protection Act.

15. Communications

15.1 We will publicise the scheme and work with other interested parties to achieve this. The scheme, its eligibility criteria and exclusions will be publicised on the Council's website and the Council will ensure that key local agencies, front line staff, community and voluntary sector organisations are aware of how the scheme operates.

15.2 All written correspondence should be sent to the Council's Head of Benefits Services

16. Review of the Policy

16.1 This policy will be reviewed during the 2013/14 and will take into account the views of stakeholders.