Local Welfare Provision Policy

2016/17
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1. Introduction

1.1 The Welfare Reform Act 2012 ended the provision of Community Care Grants and Crisis Loans for living expenses under the Discretionary Social Fund administered by the Department for Work and Pensions (DWP).

1.2 Funding was transferred from the DWP to Local Authorities (LA’s) from 1st April 2013 to provide a locally administered scheme to provide assistance to vulnerable residents in the Borough. The amount of funding Oldham Council received for 2013/14 was 9% below the amount paid out by DWP for this purpose in 2011/12.

1.3 There was no statutory duty requiring LA’s to deliver a scheme but Oldham Council considered it to be in the best interests of the residents of our Borough to operate a scheme. As a result of the reduction in funding the Council administered a scheme in a way that ensures the funding provides support to our most vulnerable residents.

1.4 Oldham’s scheme is known as the Local Welfare Provision (LWP) scheme.

1.5 As a co-operative council, we are committed to making the most of the strengths that lie in communities and neighbourhoods across our borough. This is reflected in our LWP scheme, which makes use of the expertise and local knowledge of community groups, charitable organisations, and partner agencies in working together to support residents in difficult circumstances.

1.6 Oldham Council is also committed to supporting local people to find sustainable, long-term solutions, so that we help to prevent people from facing crises and needing our support in the future. This is why our LWP scheme seeks to identify whether applicants could benefit from other forms of support (such as benefit, debt or budgeting advice) which gives them the tools to address the root causes of any short-term problems which are causing them to turn to LWP for help.
2. Purpose of the Scheme

2.1 The purpose of the Local Welfare Provision Scheme is to provide support:

- To meet short term emergency/immediate support needs of vulnerable residents.
- To assist vulnerable residents to establish or maintain a home in the community.

2.2 Examples of the types of residents and the circumstances where an award may be considered are:

- People who have suffered a disaster/crisis such as fire or flood
- Families under exceptional pressure
- People who are homeless or rough sleepers
- Vulnerable older people
- People fleeing domestic violence
- People leaving care
- People moving out of institutional or residential care
- People moving to supported accommodation/independent living
- People who are leaving prison or detention centres
- People who are chronically or terminally ill
- People with alcohol or drug issues
- People with learning difficulties.
- People returning to work after a short term on benefit

This list is not exhaustive.
3. **Principles of the Scheme**

3.1 The LWP scheme is based around the following principles:

- The Council will treat each customer fairly and equitably with full consideration being given to their circumstances.

- The LWP scheme is a fund of last resort, this means that the Council will provide support to people who cannot access support through any other means. This will ensure that funding is retained to support those residents who are unable to access funding from other sources. The scheme is discretionary, which means an applicant does not have a statutory right to a payment.

- The Council will consider making a LWP award to applicants who meet the qualifying criteria specified in this policy, providing that there is sufficient funding available.

- In each financial year the Council will spend no more on LWP awards than the DWP makes available in grant funding for the scheme.

- The Council reserve the rights to vary the operation of the scheme during the year to ensure that the level of awards made does not exceed the funding available, this will be done through a formal review process.

- The Council will provide support to applicants by means of signposting or referrals to other partners, regardless of the outcome of their claim for LWP, to avoid a future need to claim LWP.

- The Council will consider bids for funding from groups / organisations that provide support to Oldham residents. Successful bids will be awarded monies from the fund providing there is sufficient funding.
4. **Eligibility Criteria**

4.1 To be eligible for an award the applicant must be:

- aged 16 or over
- be a resident of the borough or be able to demonstrate that they are about to become a resident of the borough
- in receipt of one of the following:
  - Income Support
  - Income-based Jobseeker’s Allowance
  - Employment and Support Allowance (income-related)
  - Pension Credit
  - Universal Credit
  - Housing Benefit
  - Council Tax Reduction
  - Child/Working Tax Credit
  - Disability Living Allowance
  - Personal Independence Payment
- Awards may be made in exceptional circumstances to applicants who are not in receipt of one of the above benefits.

4.2 An award will not be made where:

- help is likely to be available from other funds or schemes
- the applicant has access to other funds which could be used to cover the costs, such as, savings, credit cards, overdraft facilities, loans.
- the applicant owns a property other than the one in which they live.
- the need for LWP has been self imposed by the applicant e.g. a benefit sanction enforced, loss of employment due to misconduct etc. except in exceptional circumstances e.g. unjust sanction where there is no other support available. Must be supported by a trusted referrer or support worker.
• the applicant has received a LWP award in the past 6 months (in cases of significant exceptional need this criteria can be relaxed).

5. The Application Process

5.1 The application process is clear, transparent and accessible.

5.2 Applicants can request support through a number of access channels:
   ➢ On line via the Council website
   ➢ Through a dedicated telephone line
   ➢ Through a trusted referrer – these will be in a wide range of organisations across the Borough.

5.3 The application can be made by:
   ➢ the person to whom the application relates (the applicant)
   ➢ another person on behalf of the applicant (the representative)

5.4 The application process is designed to provide consistent and fair decision making by gathering appropriate data and supporting information in an accessible way.

5.5 The Council may request reasonable evidence in support of an application for a LWP award.

   ➢ The applicant will be asked to provide the evidence within 10 working days of the request although this will be extended in appropriate circumstances.

   ➢ If the applicant is unable to or does not provide the required evidence within the timeframe stipulated then the application will be treated as withdrawn by the applicant.

   ➢ The Council reserves the right to verify any information or evidence that the applicant supplies with third parties including other council departments, government agencies, other local authorities, external organisations or individuals. The Council may also use the information for the detection and prevention of fraud.

   ➢ Under new data sharing powers contained within the Welfare Reform Act 2012 those administering the scheme will have access to DWP data in relation to benefits to support decision making.
5.6 The Council will signpost or refer the applicant to other sources of funding rather than make a LWP award.

5.7 Case management processes are structured to ensure rapid high quality decision making.
6. **Decision Making**

6.1 In deciding whether or not to make a LWP award the Council will take a holistic look at the applicant’s needs and circumstances, as well as the amount of funding available in the LWP fund and the anticipated demand for this funding.

6.2 The Council will consider:

- the financial circumstances of the applicant, their partner, their dependants, and anyone else who lives with them;
- any sources of credit, such as cash cards, store cards, credit cards, cheque cards, cheque accounts, overdraft facilities, and loans;
- any other help which is likely to be available from other funds or schemes;
- any expenditure of the applicant, any partner, their dependants and anyone else who lives with them;
- the level of debt the applicant and their family has;
- any medical issues, or other exceptional needs, of the applicant, their partner, their dependants, anyone else who lives with them;
- whether an LWP award could address the needs of the applicant;
- whether granting an award would help prevent further or additional needs.

6.3 If the Council decides that a LWP award can be made they will determine the type of support to be awarded.
7. Types of Support

7.1 LWP is available to help with the provision of:

- Beds and Bedding
- Essential domestic appliances/cookware
- Essential domestic furniture
- Clothing
- Emergency transport costs
- Food
- Utility costs (including connection/reconnection)
- Provision of heating appliances

This list is not exhaustive.

7.2 LWP awards would not normally be given for:

- A television or satellite cost or repair
- Installation of a telephone or telephone line
- Housing costs or arrears of rent
- Costs which can be met from other sources
- Debts
- Motor vehicle expenses
- TV license
- Costs associated with care provision

This list is not exhaustive.

7.3 The Council has the discretion to determine which goods or services are essential and will consider the circumstances of each claim.
8. Methods of Support

8.1 The Council will determine the most appropriate method of support to be provided to successful applicants. The decision will be made based on the type of support required and the individual's circumstances.

8.2 The Council may make awards of support to:
   - the applicant
   - their partner
   - an appointee or authorised representative

8.3 The Council will make awards in the following ways
   - Vouchers for food
   - Order and payment by the Council to suppliers of suitable goods or services
   - Pre payment cards for goods and utilities
   - Cash payments will only be awarded in exceptional circumstances.

This list is not exhaustive.
9. **Notification**

9.1 The applicant and any other interested party such as representative or trusted referrer will be notified of the outcome of the application on the day the decision is made.

9.2 The Council will notify the applicant of the decision by the most appropriate method. This may be by telephone call, letter or email.

9.3 Where the application is successful, the notification will include details of:

- the amount of the award;
- the purpose for which the award should be used;
- the method of support
- signposting to websites and contacts for other support agencies.

9.4 Where the application is unsuccessful or the award does not meet the full level of support that the applicant requested, the notification will include:

- an explanation of the reasons why the application was unsuccessful
- details of the right to request a review
- signposting to websites and contacts for other support agencies.
10. **Rights of Review**

10.1 LWP awards are not subject to a statutory appeals process.

10.2 An applicant (or their representative) who disagrees with a decision may request an explanation of why their application was refused, or why they were not granted the full level of support they applied for.

10.3 The request must be received by the Council within 14 days of the date the decision was notified.

10.4 The request can be made
   - On line via e mail
   - By telephone through a dedicated telephone line
   - In writing

10.5 Where possible, the Council will try to resolve the matter by explaining the reasons for the decision to the applicant or their representative either verbally or in writing.

10.6 Where the applicant remains dissatisfied with the explanation provided they may request a review of the decision.

10.7 Any request for review must be received by the Council within one calendar month of the LWP decision being notified to the applicant.

10.8 The Council will review the decision made in relation to the application. The review will be undertaken by an officer who was not involved in determining the original decision.

10.9 The Council may request additional evidence to support the review. The applicant will have one calendar month to respond to any request for further information. If no response is received within this period, the review will be undertaken based on the information already held by the Council.

10.10 The applicant (or their representative) will be notified in writing of the outcome of the review.

10.11 There is no right of appeal via the Independent Review Service (the agency which currently reviews discretionary Social Fund decisions made in Jobcentre Plus offices). However, the customer or their representative will have the right to make a complaint to the Local Government Ombudsman.
11. **Fraud and recovery of awards**

11.1 If the Council becomes aware that the information contained in an application for a LWP award was incorrect or that relevant information was not disclosed either intentionally or otherwise the matter will be investigated.

11.2 Any applicant who tries to fraudulently claim a LWP award may be committing a criminal offence under the Fraud Act 2006 and could lead to criminal proceedings.

11.3 The Council will seek to recover the value of any LWP award made as a result of a fraudulent application.
12. Monitoring

12.1 The scheme is subject to monthly reporting and review.

12.2 ICT systems have been implemented which provide detailed and robust management information to allow continuous monitoring and real time information in relation to:

- payment of awards
- methods of payment
- projected allocation of funds
- awards made
- equalities data
- speed of awards
- number of reviews
- outcome of reviews
- referrals or signposting to other agencies

13. Publicity

13.1 The Council will publicise the scheme and provide information to relevant agencies, stakeholders and other Council services, including a list of trusted referrers.

14. Scheme Review

14.1 The Council reserves the right to review and revise the scheme at anytime based on information gained as a result of operating the scheme.

14.2 The Cabinet Member for Finance and Human Resources in conjunction with the Director of Finance are authorised by Cabinet to agree any revisions to the scheme.

14.3 The latest version of the policy is available on the Council website