

## **Local Welfare Provision Policy – April 2024**

### **1. Background**

From April 2013 funding for the Crisis Loan and Community Care Award elements of the Department for Work and Pension's Discretionary Social Fund (SF) transferred to councils to enable them to develop local schemes that would be administered at their discretion.

Annual funding from the DWP has since ceased, but the Council continues to provide support for residents to help meet some specific needs that had previously been met by the SF. The Council administers two support schemes that collectively are called the Local Welfare Provision (LWP) and comprise:

- (a) The Crisis Support Scheme; and
- (b) The Community Care Support Scheme.

Neither scheme replaces, or is intended to replace existing statutory provision, or other available support.

Other provisions, (including DWP Budgeting Loans, Advance Payments, and Hardship Payments), should still be applied for first. Only if these applications are declined, or do not sufficiently meet the need, would the Council normally consider applications to LWP.

Access to the LWP is not available to those with no recourse to public funds.

As LWP awards are made entirely at the discretion of the Council, (with due regard to having available funding), there is no right to an award, or to an appeal. However, both schemes do operate an internal review mechanism that is compliant with, and aligns with, the Council's Corporate Complaints Policy and procedures.

In cases of alleged maladministration on the part of the Council the applicant may be able to pursue their case with the Local Government and Social Care Ombudsman. There may also be the option of pursuing a Judicial Review.

This Policy will have application from and including 1<sup>st</sup> April 2024 for applications for awards under the Crisis Support and Community Care Support Schemes that are received by the Council on, or after 1<sup>st</sup> April 2024.

### **2. Statement Objectives**

LWP delivery will support the following broader City Plan aspirations:

- Ensure residents have the resilience to mitigate ongoing challenges, including the cost-of-living crisis, and emerge in a healthy and sustainable position; and
- Families are resilient and resourceful to respond to challenges and achieve the best possible outcomes for their children.

LWP delivery is also referenced in the Council's 2023 Financial Wellbeing Strategy and supports the following aims and priorities from other corporate and partner plans / strategies, namely:

- Continue to develop, promote, and encourage uptake of local welfare schemes.
- Tackle poverty and the wider underlying causes of inequality.
- Provide early help and support to those who need it.
- Enable families to maximize their capabilities and have control over their lives.
- Ensure fair access to service dependent on need; and
- Understand the lived experience of poverty and financial exclusion.

LWP is primarily intended to meet some of the short-term needs of means tested benefit recipients that lack financial resources and, otherwise vulnerable applicants. LWP intends to help:

- Individuals, or families under exceptional pressure by helping them with some day-to-day basic living costs; and / or
- Vulnerable people to enter, or re-enter the community and / or to develop, or maintain their independence within the community, by contributing towards the cost of the key household items needed when setting up home.

LWP support is compliant with and supports the Council's duties under the Equality Act 2010.

### **3. LWP Administration and Service Delivery**

The remainder of this document provides detail of the two LWP Scheme Policies as applied as from and including 1<sup>st</sup> April 2024. This includes an overview of their specific eligibility criteria, administration, decision making and service delivery methods.

Administration of the Council's LWP Schemes will be undertaken by the Executive Director of Health, Housing & Communities in accordance with this Policy. These are updated when improvements are needed to enable LWP to continue to operate flexibly, providing applicants with choice, improving their independence, and seeking to deliver improved outcomes within the available schemes budget.

On-going claim administration and spending are also subject to internal quality assurance processes and on-going monitoring. These will provide sufficient confidence about the consistency and accuracy of decision making as well as helping identify potential improvements and preventing LWP overspend.

Award levels for both Schemes will be reviewed at least annually and recommendations for any changes made to the Executive Director of Health, Housing and Communities.

Any LWP award can only be made subject to their being sufficient funding available from within the Council's LWP Scheme Budget to pay for this. No further awards will normally be made to applicants, notwithstanding the application's own merits, should available funding have been exhausted, given that there is no statutory entitlement to this type of support from the Council. As both schemes involve the use of public funds the relevant legislation, duties and actions linked to these may be required and initiated.

Any award will apply only to the applicant, their partner, or their immediate dependants. This means that an award is non-transferable. Given the nature of the support provided awards should be taken up as soon as it is reasonably practicable for them to do so.

#### **4. Protection of Public Funds**

The Council is under a duty to protect public funds and resources. This includes funds and funding it administers on behalf of other agencies. Should the Council believe fraudulent claims have been submitted to access the Scheme it may, if considered appropriate, refer a case to Northumbria Police.

Those who receive an award under the Scheme may be committing fraud if they do not accurately declare their circumstances and / or submit an application under the Scheme when not entitled to do so. For example, this could be by knowingly providing false, or misleading information, or by not reporting relevant changes in circumstances. Applications made under the Scheme with the intention of obtaining goods to sell for financial gain are prohibited.

The council is committed to reducing fraud in all forms. A customer who tries to fraudulently claim a by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under the Theft Act 1968. If the Council has reason to believe that an application has been submitted with fraudulent intent, the Council will carry out an investigation and will take appropriate action. This could lead to a case being referred to the Police. A criminal prosecution could be brought.

Where an award is found to be based on a fraudulent application, or a fraudulent application is received, an applicant could be disqualified from either Scheme and / or the Household Support Fund for a set period of time from the date the fraud is discovered. Any period of disqualification will be proportionate and reasonable.

#### **5. Reviews**

The following review process is to apply, with the process for review being detailed in the correspondence issued to an applicant following determination of their application for an award under the Crisis Support Scheme and / or the Community Care Support Scheme:

- (a) Any applicant who is dissatisfied with a decision made in respect of a claim may request a review of that decision within one month of the date upon which they are notified of the decision.
- (b) Applications must be submitted using the Councils Review Forms, or in accordance with the procedure specified by the Council in its public information. A request must state their reasons for requesting a review. For example, what they disagree with, or what in their opinion the Council has got wrong. If an applicant states that they are unhappy with the decision, that will not be enough to trigger the review process; and the council will detail in its correspondence the method by which reviews can be made and what is required.
- (c) The review of a decision will be undertaken by an Officer of the Council no less senior to the original decision maker and who was not involved in making the original decision. The Officer undertaking the review is "the Review Officer".
- (d) The outcome of any review undertaken by the Review Officer will be communicated to the applicant in writing for Crisis Support within 3 working days and for Community Care Support within 14 working days, or as soon as possible thereafter.
- (e) Where the review does not give rise to the outcome desired by the applicant, reasons for the outcome of the review will be given by the Review Officer
- (f) Should the applicant remain dissatisfied with the outcome of the review, the applicant can access the Councils' Corporate Complaints Policy and processes. In cases of alleged maladministration on the part of the Council the applicant may be able to pursue their case with the Local Government and Social Care Ombudsman. There may also be the option of pursuing a Judicial Review.

# **The Council's Crisis Support Scheme**

## **1. Scheme Aims**

The Council's Crisis Support Scheme is an evidence-based scheme that can provide support for applicants that are unable to meet their immediate short-term needs either in an emergency, or because of a disaster.

**Emergency** is a situation which causes the applicant to have a pressing need, or unforeseen circumstances, either of which requires immediate action, or remedy.

The emergency should not normally be because of an act, or an omission for which the applicant, or their partner is responsible, and they could not have taken reasonable steps to avoid, given their own personal circumstances.

**Disaster** is a sudden calamitous event, or great misfortune causing actual loss of, or damage to possessions, or property. Examples include, flooding, gas explosions, or leaks.

Consideration will also be given to applicants that need help to alleviate the likely consequences of an immediate disaster, i.e., if these consequences could include serious damage, or risk to health and safety of the applicant, or their dependents.

Whilst each application will be considered on its own merits the following criteria are provided to promote fairness and consistency with regard to decision making.

## **2. Financial Eligibility Criteria Overview**

It is a condition of the Scheme that applicants should have explored all other options and means of meeting their need. These could include their own financial / other resources, other family, or friends' resources, insurance, statutory provision, and other schemes.

In terms of eligibility:

- Appropriate DWP schemes, (including Hardship Payments, Budgeting Loans, Advance Payments), should have been applied for and been declined, or if awarded are, in the Council's opinion, not sufficient to meet the need.
- The applicant must normally be either in receipt of, or in the process of applying for, Housing Benefit, Council Tax Support, or Universal Credit with a Housing Costs Component.
- The applicant must be resident within the City of Sunderland or are intending to become one.
- Consideration will also be given to applicants that receive other DWP means tested benefits, (such as Income Based JSA, Income Related ESA, Income Support, Universal Credit) and that either live in someone else's household or are homeless. Proof of income, residency and other circumstances may be needed, which could require the provision of third-party information from an appropriate agency; and
- The applicant, or their partner must have no readily available savings, capital, or investments that could be used instead to help them resolve the crisis that has arisen.

### 3. Additional Eligibility Criteria Overview

In addition to meeting the financial eligibility criteria, (which effectively means the applicant has insufficient income / capital to meet their need themselves), they must also meet at least one of the following additional criteria, namely they:

1. Have a serious physical health problem affecting their day-to-day living, which they receive on-going treatment for.
2. Have a dependent child, or children that normally live with them.
3. Are at risk of being made homeless.
4. Have a substance, or alcohol misuse problem and they are receiving treatment, or support.
5. Are on probation or are receiving support relating to their offending history.
6. Have recently been subject to, or are at risk of, domestic abuse.
7. Have a learning disability, physical, or sensory impairment, or a mental health issue.
8. Are a young person leaving care, i.e., normally aged 25 or under.
9. Are an older person with support needs, i.e., aged 66 or over.
10. Have caring responsibilities for someone who is unable to look after themselves.
11. Are a risk to their own health and safety, and
12. Have reasonable prospects of appealing against a sanction, – especially if their reason for applying to the Scheme are linked to the sanction itself.

In addition, even if the applicant meets all other criteria the Council will normally only consider making one award to that household in any rolling 12-month period. Further awards can only be made by exception. Examples of reasons that the Council would consider will be included in its public information.

The Scheme is intended to provide a response to a given crisis and should not be seen as part of the solution to an applicant's on-going low income.

### 4. Application Overview

The Council will determine the means and method by which applicants can conveniently and quickly apply to the Scheme and detail their circumstances. Applications can be made via a variety of methods.

The Council will determine what information applicants need to provide to both support their applications, plus the level and types of support that applicants will receive taking account of their presenting circumstances. This may require a certain amount of information to be provided and verified before any award can be made.

There is no statutory right to support under the Scheme and there is no right of appeal against decisions. However, the associated review process allows applicants to challenge decisions.

**Evidence of emergency, or disaster:** the applicant must provide appropriate information about the emergency, or disaster and the impact that it has had, or will have on them, or their household.

Applications will be approved or declined based on the provided information and whether the household meets one of the additional eligibility criteria and the financial eligibility criteria.

**Evidence of financial eligibility:** all the applicant's income, (and that of their partner and any dependents), will be taken into account by the Council in determining their application

under the Scheme. This includes benefits normally disregarded for benefit purposes. In addition, acceptable proof may need to be provided for all these.

- Any savings / investments held which can be quickly realised to alleviate the crisis. In all cases proof will need to be provided for any accounts and investments held.
- Whether other family members, or friends could assist to deal with the crisis, i.e. financially, or otherwise.
- Whether expenditure on non-essential items could be reduced, or debt repayments reduced.
- Whether the household could be eligible for other income / benefits that are not being received; and
- Steps that the applicant, or partner are taking, or could take to help themselves, including accessing benefits and debt advice.

## **5. Decision Making and Notification:**

The Council aims to determine all received applications by the end of the working day following receipt of the application. Applications are subject to a pre-screening exercise to identify those that do not meet the basic criteria, as well as those that may need to provide additional details. "Basic criteria" for these purposes includes for example residency requirements, means tested benefit receipt requirements, or savings levels.

Once the applicant, (or the relevant third party, as appropriate), have provided sufficient information to enable the Council to determine the application a decision will be notified immediately wherever possible to do so. Notifications will include details of:

- (a) The support to be awarded.
- (b) Where an award is not being made, the reasons for the decision.
- (c) What the applicant can do if they believe the decision is incorrect
- (d) Other support available to applicants, (both successful and unsuccessful), including information and advice provision, and
- (e) The duty to notify the Council of any changes which might affect their entitlement to an award.

### **Details of Potential Crisis Support Provision**

Crisis Awards normally only provide support with food, or fuel costs. However, clothing needs can also be considered as eligible under the scheme in specific circumstances.

#### **Support with Food Costs**

The Council will normally only provide support towards food costs where local foodbanks are unable to provide suitable and timely support themselves, or where it is agreed that the applicant would be unable to access this support.

The value of any support is intended to reflect the short-term nature of a crisis and the applicant's household composition. Support with food costs are normally made to cover a one-week period, although shorter awards can be made to cover a specific situation, such as where benefits / wages will be received in two days' time.

#### **Support with Fuel Costs - Applicants with Prepayment Meters Only**

The support is intended to reflect the short-term nature of most crisis and awards are currently made for one-week periods, although shorter awards can be made to cover a specific situation, such as where benefits / wages will be received in two days' time.

### **Support to Cover Basic Clothing**

Support can be provided that will cover basic and minimum clothing for the person and their immediate family. The intention is this will only be provided in circumstances where the applicant either does not have, or has been deprived of, any suitable clothing. Situations where this could happen in addition to crisis / emergencies as described in Section 1 above, are where an applicant is being discharged from long term stays in hospital, care homes, or prison and have limited resources at their disposal.

# **The Council's Community Care Support Scheme**

## **1. Scheme Aims**

The Council's Community Care Support Scheme is an evidence-based scheme, primarily intended to help vulnerable individuals / families to enter, or re-enter the community and / or to develop, or maintain their independence within the community by contributing towards the cost of the key household items needed when setting up home.

Whilst each application will be considered on its own merits the following criteria are provided to promote fairness and consistency with regard to decision making.

## **2. Financial Eligibility Criteria Overview**

It is a condition of the Scheme that applicants should have explored all other options and means of meeting their need. These could include: their own financial / other resources; other family, or friends' resources; insurance; statutory provision; and other schemes. The latter could include White Goods / Furniture Packages provided by many social landlords.

In terms of eligibility:

- Appropriate DWP schemes, (including Hardship Payments, Budgeting Loans, Advance Payments), should have been applied for and declined, or if awarded are, in the Council's opinion, not sufficient to meet the need.
- The applicant must normally be either in receipt of, or in the process of applying for, Housing Benefit, Council Tax Support, or Universal Credit with a Housing Costs Component.
- The applicant must be resident within the City of Sunderland or are intending to become one.
- Consideration will also be given to applicants that receive other DWP means tested benefits, (such as Income Based JSA, Income Related ESA, Income Support, Universal Credit) and that either live in someone else's household or are homeless. Proof of income, residency and other circumstances may be needed, which could require the provision of third-party information from an appropriate agency; and
- The applicant, or their partner must have no readily available savings, capital, or investments that could be used instead to help them resolve the crisis that has arisen.
- Whilst each application will be considered on its own merits the following criteria are provided to promote fairness and consistency regarding decision making.

### **Evidence of Financial Eligibility**

All the applicant's income, (and that of their partner and any dependents), will be taken into account by the Council in determining their application under the Scheme. This includes benefits normally disregarded for benefit purposes. In addition, acceptable proof may need to be provided for all these highlighted matters:

- Any savings / investments held which can be quickly realised to alleviate the crisis. In all cases proof will need to be provided for any accounts and investments held.
- Whether other family members, or friends could assist to deal with the crisis, i.e., financially, or otherwise.
- Whether expenditure on non-essential items could be reduced, or debt repayments reduced.



- Whether the household could be eligible for other income / benefits that are not being received; and
- Steps that the applicant, or partner are taking, or could take to help themselves, including benefits and debt advice.

### **3. Additional Eligibility Criteria Overview**

In addition to meeting the financial eligibility criteria, (which means that the applicant has insufficient income / capital to meet their need themselves), in addition they must meet one of the following two criteria as set out below:

- (a) They are moving into the community / a property where they do not have some / all the household items they need and therefore require a contribution towards these; or
- (b) They do not have some / all the household items they need because of a significant event affecting their property, (such as a fire, flood or similar disaster), and therefore they need a contribution towards these in order to enable them / their families to retain their home.

**Appendix A** details some of the likely scenarios and applicant groups that may meet the criteria for support, although this is underpinned by Operational Guidance which will enable and ensure that Officers of the Council can make consistent and fair decisions regarding applications in relation to the Community Care Support Scheme.

In addition, even if the applicant meets all other criteria the Council will normally only consider making one award to that household in any rolling 12-month period. Further awards can only be made by exception. Examples of exceptions will be included in the Council's public information.

#### **Evidence of Additional Eligibility**

The applicant must provide suitable information about their circumstances to evidence that they meet these criteria. It is likely that most applicants will need to obtain corroboration from third parties to confirm information in respect of these stages, such as via Social Workers, Housing Officers, NHS staff or other professionals that are working directly with the applicant.

Applications will be approved or declined based on this information.

### **4. Application Overview**

The Council will determine the means and method by which applicants can conveniently and quickly apply to the Scheme and detail their circumstances. Applications can be made via a variety of methods.

The Council will determine what information applicants need to provide to both support their applications, plus the level and types of support that applicants will receive taking account of their presenting circumstances. This may require a certain amount of information to be provided and verified before any award can be made.

There is no statutory right to support under the Scheme and there is no right of appeal against decisions. However, the associated review process allows applicants to challenge decisions.

## 5. Decision Making and Notification

The Council aims to determine all received applications as soon as possible once the applicant, or third parties have provided sufficient information.

Once the applicant, (or the relevant third party, as appropriate), have provided sufficient information to enable the Council to determine the application a decision will be notified immediately wherever possible to do so. Notifications will include details of:

- (a) The support to be awarded, i.e., whether the applicant has received a full contribution, a partial contribution, or no award.
- (b) The reasons for the decision.
- (c) What the applicant can do if they believe the decision is incorrect.
- (d) Other support available to applicants, (both successful and unsuccessful), including information and advice provision.
- (e) The duty to notify the Council of any changes which might affect their entitlement to an award.

### Details of Community Care Support Provision

If an award is to be made, the award contribution made will be either a full award, or a partial award. It will reflect the household composition and what items the household might already have available to them. It is intended that the majority of awards will be made as a financial contribution towards costs. However, the Council retains the right to provide goods where this is viewed as being a more appropriate way of meeting need, having due regard to the applicant's circumstances.

## Appendix A

### Overview of Community Care Support Operational Guidance 2024

Detailed Operational Guidance is maintained to support Officers of the Council who make decisions in relation to the Scheme. It is important that Officers make consistent and fair decisions regarding applications in relation to the Community Care Support Scheme. The following provides an overview of likely eligible applicants and their circumstances:

#### **(a) They are moving into the community / a property where they do not have some / all the household items they need and therefore require a contribution towards these:**

This is likely to be necessary for applicants where:

- They have been discharged from long term stays in hospital, care homes, or prison and have limited resources at their disposal.
- Following a significant stay in temporary / emergency accommodation, such as a hostel; and
- As part of a support package to create a sustainable tenancy for specified vulnerable customers, such as care leavers, or statutory homeless persons.

Applicants that meet the provisions set out in (a) above are also likely to face, or experience at least one of the following scenarios / situations:

1. Have a serious physical health problem affecting their day-to-day living, which they receive on-going treatment for.
2. Are at risk of being made homeless.
3. Have a substance, or alcohol misuse problem and they are receiving treatment, or support.
4. Are on probation or are receiving support relating to their offending history.

5. Have recently been subject to, or are at risk of, domestic abuse.
6. Have a learning disability, physical, or sensory impairment, or a mental health issue.
7. Are a young person leaving care, i.e., normally aged 25 or younger.
8. Are an older person with support needs, i.e., aged 66, or over.

The Council believes persons falling under (a) will continue to comprise most Community Care Support Scheme awards. However, provision also exists for applicants who are experiencing other circumstances.

**(b) They do not have some / all the household items they need as a result of a significant event affecting their property, (such as a fire, flood or similar disaster), and therefore they need a contribution towards these in order to enable them / their families to retain their home:**

Applicants that meet the provisions set out in (b) above are also likely to face, or experience at least one of the following scenarios / situations:

1. Have a dependent child, or children that normally live with them.
2. Are at risk of being made homeless; and
3. Are a risk to their own health and safety.

By exception, awards made in relation to (b) may also look to cover the costs of replacing one, or two key items, such as a broken washing machine, or cooker. However, evidence of the fault, and potential repair costs need to be provided to the Council.