

Local Welfare Provision 2020-21

1. Background

Local Welfare Provision (LWP) was set up in April 2013 after caseation of Crisis Loans and Community Care Grants by the Department of Work and Pensions (DWP)

Local Welfare Provision is fully funded by the Council. The Council's intention for the scheme is to provide one off, locally-administered assistance to vulnerable people.

This is not a replication of the previous benefits administered by the DWP but to provide support to the most vulnerable members of our community who may be experiencing exceptional hardship.

There is no statutory duty requiring Local Authorities to deliver a Local Welfare Provision scheme but Slough Borough Council (the Council) considered that it was in the best interests of the community to run a scheme in order to support those in the borough who are experiencing exceptional levels of difficulty.

The LWP scheme has been in operation for six years and the demand has increased over this period.

The council has funds available to continue the scheme for another year and then wishes to review the scheme, the scheme will be run on the similar principals to the previous years, but in light of the fact that the budget remains at the same level as previous years but the number of applicants has increased year on year and the introduction of Universal Credit full service in Slough from April 2018, the criteria for awards has become tighter in order that the most vulnerable in our community can continue to have assistance provided.

The scheme will be cash-limited, and will provide support to those that are experiencing exceptional difficulties. It will not replace or supplement the support mechanisms and budgets that exist elsewhere in the Council or the wider community.

It must be seen as the point of last resort; customers will be expected to use all other avenues, for example, applying for a Budgeting Loan or Budgeting Advance before applying for LWP. (See Appendix A and B)

Slough Borough Council is committed to working with the local voluntary sector, who are key partners in working with our communities, and landlords who are an important asset in providing homes in Slough.

The purpose of this policy is to detail the Council's high level objectives in respect of Local Welfare Provision and detail how the Council will operate the scheme, including the factors that will be taken into account when considering if an LWP award can be made.

Each case will be treated strictly on its individual merits and all applicants will be treated equally and fairly when the scheme is administered, within the constraints of the current budget.

The Council will in making an award, ensure that the award is used for the purpose applied for and will therefore make the majority of awards in goods or services, awards will rarely be made in cash.

In principle, this scheme will consider two categories of need:

- Where, because of an immediate crisis experienced by the Customer, there is a need for assistance.
- Where, someone who already has links to the community and needs to maintain them and / or establish stronger links. It will only be used for exceptional circumstances where no other budget is available and the need for assistance is immediate.

Further, if an applicant is entitled to Housing Benefit or Universal Credit and is suffering from exceptional hardship as a direct result of housing costs (e.g. contractual rent,) an application should be made first for a Discretionary Housing Payment.

2. Statement of Objectives

The Council will consider making an LWP award to applicants who meet the qualifying criteria, as specified in this policy, providing sufficient funding from the annual budget for this purpose is available at the time of the Council's decision. We will treat all applications on their individual merits; no award will set a precedent for another award.

An LWP award will normally be an urgent, one off provision used as a short term fix to prevent a long term problem, and we will seek to:

- prevent serious risk to the health, well being or safety of the area's most vulnerable and financially excluded residents;
- ease severe financial pressure on families in certain situations;
- help those, without the necessary means, to either establish themselves in the community as a transition from care (must have been in the care of Slough Borough Council) or prison (where they must have been for a minimum of 6 months) or to remain in their community;
- give flexible financial help to those in genuine need.

3. Policy

3.1. Main Features of the Scheme

The main features of the Slough LWP scheme are that:

- it is discretionary;
- an applicant does not have a statutory right to a payment;
- the total expenditure in any one year resulting from awards under this scheme will not exceed the value of the budget allocated.
- the payment may be treated as a loan with repayment required, as determined by the issuing officer.
- the operation of the scheme is for the Council to determine;
- the Council may choose to vary the way in which funds are allocated according to community needs and available funds;

- it is to meet one-off needs and not ongoing expenses,
- applicants who are eligible for a hardship award, short term advance or Budgeting Loan or Advance will not be eligible.
- applicants who are eligible for a Universal Credit Advance Payment MUST apply for the advance in the first instance unless there is mitigation. In most instances they will not be eligible for a financial award but may be given foodbank vouchers.
- applicants who have been sanctioned by the DWP will not be eligible for LWP in order to ensure that we do not minimise or negate the sanction, those in exceptional hardship may be awarded food bank vouchers.
- other than the normal appeal against the application of a discretionary function by Judicial review, there is no right to a statutory appeal of any application decision. In the interests of fairness the Council will operate an internal review procedure for appeals.

3.2. LWP award applications

1. An application for an LWP award must be made in a way that is acceptable to the Council. The application must be made by the person to whom the application relates (the applicant) but the applicant can ask a council officer or another person to complete the application.
2. We may determine such other bodies, as we decide are appropriate, to be authorised to decide applications and they will be granted secure access to the necessary Council systems for this purpose.
3. Applications from people not meeting the minimum eligibility criteria will not be considered.
4. We will request any reasonable evidence in support of an application for an LWP award, e.g. for assistance when money is stolen we will require a crime number, we will require bank statements to show income and expenditure as well as current balance to establish hardship and all other supporting documentation. The applicant will be asked to provide the evidence and it must be provided within one month of the request although this will be extended in appropriate circumstances.
5. We reserve the right to verify any information or evidence that the applicant supplies, in appropriate circumstances, with other council departments, government agencies, banks, building societies and external organisations or individuals as appropriate. We may also use the information for the detection/prevention of fraud.
6. If the applicant is unable to or does not provide the required evidence, in the agreed time, we may treat the application as withdrawn by the applicant and we will not be under an obligation to decide it.
7. We are under no duty to make an LWP award. Where funds are available from another source we will signpost the applicant to those sources rather than make an LWP award.
8. We will aim to decide applications for emergency assistance within 1 working day and all other applications within 10 working days, excluding any days that it takes for an applicant to provide any evidence.
9. Emergency Assistance will be defined only as the need for food and / or food vouchers and payment of utilities e.g. gas and electricity. In all other instances the Council expects the customer to be aware of the circumstances and apply in advance.

3.3. Eligibility Criteria

An application will only be considered where the applicant satisfies each of the following criteria and at least criterion A or B. References to Slough mean the area within Slough Borough Council's boundary. The applicant must:

1. be aged 16 or over;
2. be able to demonstrate that they have a settled residence in Slough, or have been placed outside of the borough by the council, in the case of someone leaving prison (must have been in prison for at least 6 months) or care (must have been in the care of Slough Borough Council only), be about to move into Slough; those that have been placed in Slough by another borough must apply to their originating borough
3. not have savings that can be relied upon to meet the need to which they are presenting;
4. have a reduction in income, for example the transition period of earning and claiming welfare benefits.
5. have not received, or be able/eligible to receive help from other public funds for the same category.
6. not be excluded from applying for public funds on the basis of immigration status;
7. not have received an LWP award in the past 12 months, unless they can demonstrate significant exceptional need (this also applies to any member of their household);
8. not have been refused an LWP award for the same need in the past 12 months, unless they can demonstrate exceptional/changed circumstances (this also applies to any member of their household);
9. The above (7&8) does not include an award of food or food vouchers and gas or electricity funds, these can be applied for at any time
10. be without sufficient resources which would in turn cause serious risk to their own, or their family's health or safety or well being;
11. satisfy the criteria where an award would support the council's objectives, e.g. providing travel costs for interviews which supports the Council's objective of assisting people into work

AND

A. must require essential assistance to establish, or to remain, in the community;

or

B. must require essential assistance with an emergency (e.g. illness/emergency travel costs).

3.4 Awarding an LWP

In deciding whether to make an LWP award we will have regard to the applicant's circumstances including:

- any sources of credit such as cash cards, store cards, credit cards, cheque cards, cheque accounts, overdraft facilities, loan arrangements;
- any help which is likely to be available from other funds, such as Short Term Advances,

Budgeting Loans, Budgeting Advances and Advance Payments issued by the Department for Work and Pensions.

- [This facility is appropriate for applicants that have lost or spent money, or are in need of money while they wait for their first payment.]
- the LWP award is not to replace stolen money, assistance for essentials e.g. food will be given where appropriate via foodbank vouchers. (The Council understands the issues of waiting for the first payment of Universal Credit and will support the customer with food/ food bank vouchers during this period as necessary.)
- the financial circumstances of the applicant, any partner, their dependants and other occupiers of their household;
- the income and expenditure of the applicant, any partner, their dependants and other occupiers of their household;
- the level of indebtedness of the applicant and their family;
- any medical issues, or other exceptional needs, of the applicant, partner or dependants, or other members of their household;
- whether the circumstances of the applicant are such that an LWP award would alleviate the problems of the applicant;
- being mindful of the amount available in the LWP budget;
- the possible impact on the Council of not making such an award.
- any other special circumstance of which we are aware;
- we will decide how much to award based on all of the applicant's circumstances and the LWP funds available and we will be mindful of the likely total calls on the LWP fund.
- the Council may treat the award as a loan rather than a benefit and will then in conjunction with the Customer agree repayment arrangements.
- we will consider the risk and impact on the health and wellbeing of the applicant and any dependants of not meeting your need

The main items that LWP payments will be awarded for in priority order are:

- Food Vouchers
- Food
- Fuel Payments
- Provision of Cooker
- Provision of Fridge
- Removal costs to cheaper alternative accommodation
- Travel to and from interviews to support people into work if this has not been made available via the JCP. Travel expenses for any other reason will only be agreed if it can be demonstrated that there are no other budgets that could assist and that this is an emergency situation.
- Provision of bedding in exceptional circumstances e.g. people who have just left prison.
- Provision of beds in exceptional circumstances and where budget allows.

In exceptional circumstances utility connection charges can be paid but only in relation to moving to cheaper alternative accommodation and if a child under 5 is present in the household.

The council will consider any items or emergency expenses as necessary depending on the customer's circumstances.

3.5. Payment of an LWP award

We will decide the most appropriate method of payment based on the circumstances of each case. The methods may include:

- vouchers;
- provision of goods or services by the Council or third party provider;
- bank account credit to the applicant or some other person as appropriate; in exceptional cases
- cash or similar method of payment NB: in exceptional cases only

3.6. Notification

We will notify the applicant of the outcome of their request on the day the decision is made. This may be by letter, email, SMS (text) or a combination of these methods.

Where the application is successful, we will tell the applicant:

- the amount of the award;
- the purpose for which the award should be used;
- the method of payment and, where applicable, of repayment.

The applicant will then need to decide whether to accept the award.

Where the applicant has not accepted the award within 21 days the award will be withdrawn and there will be no further opportunity given to reapply for an award for the same emergency, a withdrawn award will be treated as having been awarded for the purpose of re-applications.

Where the request for an LWP award is unsuccessful or not met in full we will explain the reasons why the decision was made, and explain the applicant's right of appeal.

We may, with the applicant's permission, also inform a support worker or advice agency of a decision.

3.7. The Right to Appeal

LWP awards are not subject to a statutory appeals process. Appeals will therefore be decided by the Council.

We will operate the following policy for dealing with appeals about either the decision not to make an award or the amount of an award:

- An applicant (or their representative) who wants an explanation of an LWP application decision may request one in writing within one calendar month of notification of the decision.
- An applicant (or their representative) who disagrees with a decision may appeal the decision.
- Any appeal must be made in writing or electronically, but must be made within one calendar month of the LWP decision being notified to the applicant.
- Where possible we will try to resolve the matter by explaining the reasons for the decision to the applicant or their representative either verbally or in writing.

- Where agreement cannot be reached, we will review the decision. The officer reviewing the decision will not have been involved in the making of the original decision. The review will be suspended if more information is needed from the applicant.
- The applicant will have one month to respond to the request for further information, thereafter the review will be undertaken on the information held.
- If we decide that that the original decision should not be revised, we will provide full written reasons to the applicant.

3.8. Reapplications for LWP

LWP is intended to support residents who are either experiencing a crisis or in need of immediate financial help or support, it is considered to be a one off emergency payment except in the instance of food and utilities and therefore the Council does not expect re-applications but is aware that issues outside of the control of the resident do occur and in this instance a re-application will be considered at the discretion of the council.

3.9. Overpayments

If the Council becomes aware that the information contained in an application for an LWP award was incorrect or that relevant information was not declared, either intentionally or otherwise we will seek to recover the value of any LWP award made as a result of that application.

3.10. Fraud

The Council is committed to the fight against fraud in all its forms. Any applicant who tries to fraudulently claim an LWP award might have committed an offence under the Fraud Act 2006.

If we suspect that fraud may have occurred, the matter will be investigated as appropriate and this could lead to criminal proceedings.

3.11. Publicity

We will publicise the scheme by providing information to relevant agencies, stakeholders and other Council services.

4. What the scheme does not cover

The scheme will not cover

- Cash
- Washing Machines
- Furniture such as sofa, wardrobes, carpets etc
- Crockery , cutlery
- Clothing
- Shoes
- Funeral costs

- Maternity costs
- Rent costs – you may be able to get help through the council's bond scheme or discretionary housing payments
- Essential repairs to your home; if you rent your home your landlord is responsible for repairs. If you own your home you may be able to apply for a home repair assistance loan
- Essential furniture if you rent a furnished accommodation; your landlord is responsible for providing this.
- The scheme must not be used as a way to circumvent or speed up budgeting loans or advances.

5. Monitoring/ Audit of the Scheme

To ensure transparency and consistency, there will be regular monitoring of applications made against the scheme. Such monitoring will be undertaken with due regard to the Council's responsibilities under all relevant legislation. The Council is subject to the general equality duty which requires that it has due regard to the need to:

- Remove or minimise disadvantages suffered by persons who have a relevant protected characteristic specified in the Equalities Act and other relevant legislation.
- Take steps to meet the needs of persons who share relevant protected characteristics that are different from the needs of persons who do not share it.
- Foster good relations.

If an applicant wishes to make a complaint about the nature in which their enquiry or application was dealt with, we will adhere to our corporate complaints procedure. Please note, there is a separate review / appeals process for applicants unhappy with their decision (see 3.7 above).

Definition of Budgeting Loan

Budgeting Loans (BLs) are intended to help those in receipt of Income Support (IS), income-based Jobseekers Allowance (JSA(IB)), Pension Credit (PC), income-related Employment and Support Allowance (ESA(IR)) or payment on account of such benefits to spread the cost of intermittent expenses over a longer period. They represent an interest-free credit facility for those in need of financial assistance to cope with such expenses. BL awards are subject to an overall cash-limit.

Decisions on whether to award BLs and, if so, how much to award will be based on relevant facts.

For BLs, the Social Security Contributions and Benefits Act 1992 (as amended by the Social Security Act 1998) provides for the applicant's personal circumstances, as specified in Directions by the Secretary of State, to be taken into account.

Social Fund Budgeting Loans are not available to customers on Universal Credit (UC) who have access to Budgeting Advances through the UC scheme.

The Secretary of State has issued directions which qualify the power to make BLs by reference to:

- the eligibility of the applicant
- whether the item applied for falls within one of the specified categories
- the applicant's personal circumstances
- the basis on which awards are made
- the effect of capital
- the maximum and minimum amount which can be awarded
- the budget allocation

These directions are binding.

BL decisions are based on:

- eligibility criteria:
- whether the applicant meets the qualifying benefit conditions - Direction 8
- qualifying conditions:

Budgeting Loans are available for

- Furniture and household equipment
- Clothing and footwear
- Rent in advance and/or removal expenses to secure fresh accommodation
- Improvement, maintenance and security of the home
- Travelling expenses
- Expenses associated with seeking or re-entering work
- Maternity or Funeral expenses
- HP and other debts (for expenses associated with any of the above)

Please note these are interest free loans

More information on budgeting loans is available on the GOV.uk website

Definition of a Budgeting Advance

Budgeting Advances (BAs) are intended to help those in receipt of Universal Credit (UC) or payment on account of such benefit to spread the cost of intermittent expenses over a longer period. They represent an interest-free credit facility for those in need of financial assistance to cope with such expenses. BA awards are subject to an overall cash-limit.

To get a Budgeting Advance you must:

- have been getting Universal Credit for at least six months – unless you need the money to help you get a job or keep an existing job
- have earned less than £2,600 if you're single (£3,600 if you're in a couple) in the past six months
- not be paying off another Budgeting Advance.

The Budgeting Advance will normally need to be started to pay back out of your next Universal Credit payment and pay it back within 12 months.

Budgeting Advances are available for things like

- a one-off item - e.g. replacing a broken fridge
- unexpected expenses - e.g. an unexpected bill
- work-related expenses - e.g. buying uniform or tools
- repairs to your home
- travel expenses
- maternity expenses
- funeral expenses
- moving costs or rent deposit
- essential items, like clothes

The smallest Budgeting Advance that will be given is £100.00.

The maximum will be:

- £348 if you're single without children
- £464 if you're in a couple without children
- £812 if you have children

Please note these are interest free loans

More information on Budgeting Advances is available on the GOV.uk website