

## **Local Welfare Provision**

### **1. Background**

Local Welfare Provision (LWP) Funding transferred from the Department of Work and Pensions (DWP) to Local Authorities (LAs) on 1 April 2013, to provide locally-administered assistance to vulnerable people. The transfer was made under existing powers and LAs can decide for themselves how to use these funds. The DWP is keen that LAs do not replicate the DWP scheme but instead uses the funding in a way that more closely meets the needs of the community.

There is no statutory duty requiring LAs to deliver a specific scheme for administering this funding but Slough Borough Council (the Council) considered that it was in the best interests of the community to continue to run a scheme in order to support those in the borough who are experiencing exceptional levels of difficulty. This scheme will be known as the Local Welfare Provision (LWP) scheme.

The LWP scheme has been in operation for four years and the demand has increased over this period. Central Government provided funding for the first two years of the scheme only and the Council has continued to fund the scheme.

The council has funds available to continue the scheme for another year and then wishes to again review the scheme, the scheme will be run on the same principals as the last four years.

The scheme will be cash-limited, and will provide support to those that are experiencing exception hardship or circumstances. It will not replace the support mechanisms and budgets that exist elsewhere in the Council.

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 merits and all applicants will be treated equally and fairly when the scheme is administered.

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

- Crisis Awards – where because of a crisis experienced by the Customer there is a need for assistance
- Community Care Awards – will be used to establish someone in the community who already has links to the community or to maintain them in the community, it will only be used for exceptional circumstances where no other budget is available and the need for assistance is immediate.

By the fact that both of the above awards are determined on a similar discretionary basis, an application for a Crisis Award may be treated as an application for a Community Care Award, vice versa.

Further, if an applicant is entitled to Housing Benefit and is suffering from exceptional hardship as a direct result for housing costs (eg. 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. 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 or prison 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, e.g. interim payment whilst awaiting Job Seekers Allowance;
- 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.
- 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 may request any reasonable evidence in support of an application for an LWP award. 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 and external organisations or individuals. 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.

### **3.3. Eligibility Criteria**

An application will only be considered where the applicant satisfies each of the following 9 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 or care, 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;
8. not have been refused an LWP award for the same need in the past 12 months, unless they can demonstrate exceptional/changed circumstances;
9. be without sufficient resources which would in turn cause serious risk to their own, or their family's health or safety or well being;
10. or 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 (eg: 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 and Budgeting Advances issued by the Department for Work and Pensions to out of work benefit claimants; [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 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 you and your dependants of not meeting your need

The main items that an LWP payments will be awarded for are :

- Food and Utilities
- Furniture, household equipment and connection charges
- In some case removal expenses

The council will consider any items or emergency expenses as necessary depending on the customers circumstances which could include expenses to attend an interview if they have not been made available by the Job Centre Plus.

LWP payments will not be awarded for furniture, household equipment and connection charges for temporary accommodation as these are funded elsewhere.

### **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;
- credit directly to a landlord, rent account
- 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 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 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 reapplication 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
- 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.

## **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).