

3rd January 2013

XX

The Walsall Crisis Support Scheme

Ward(s) All

Portfolios: Cllr C Towe – Finance and Personnel

Executive Summary:

As part of the Government's welfare reforms, Community Care Grants and Crisis Loans for general living expenses, currently administered by the DWP within the social fund, will be abolished from April 2013 and replaced by a new local provision. The new provision will be administered by local authorities in England and the devolved administrations in Scotland and Wales. Whilst the Government has not been prescriptive with regard to the design of the new local provision; the intention of the funding that is to be transferred to local authorities is that it is to be used to provide the new local provision.

The current scheme supports:

The current provisions of these schemes "help people in crisis" and provide vital resources to help the most vulnerable.

- **Crisis loans**

Crisis Loans are interest-free loans available to anyone (whether on benefit or not) who cannot meet their immediate short-term needs in an emergency or as a consequence of a disaster. Repayments are made directly from benefit where possible.

- **Community Care grants**

Community Care Grants are non-repayable grants awarded for a range of expenses including household equipment. They are primarily intended to support vulnerable people to return to or to remain in the community or to ease exceptional pressure on families.

1.3 Officers have been tasked to design a local service provision against customer demand. Designing a new scheme to "help residents in crisis" gives Walsall Council the opportunity to develop a scheme to support the most vulnerable in a holistic way

1.4 The time scales for the design and the development of a local scheme are extremely challenging. The limited data available from the DWP has been high level and relates to the existing service provision. The nature of Walsall residents demand on the new service will not be available until we start to work with applicants from April 2013.

- 1.5 It is for these reasons that the proposal is to run an interim scheme for 2013/14 and use the data and learning gathered over this period to shape the design and the delivery for the longer term.

Following consideration of this report by scrutiny, recommendations can be made to 23rd January 2013 Cabinet.

Reason for scrutiny:

The panel is requested to review and comment on the attached the report to 23rd January 2013 Cabinet (appendix 1), on the proposed Walsall Crisis Support Scheme.

Recommendations:

That:

1. That comments and suggestions following the review are made to 23rd January 2013 cabinet.

Background papers:

Welfare Reform Act 2012.


Appendix 1

Report to Cabinet - 23rd January 2013– Localised Support for Council Tax

Contact Officer:

Lynn Hall

Head of Benefits

 01922 653986

halllynn@walsall.gov.uk

Cabinet –

Walsall Crisis Support Scheme 2013/14

Portfolio: Councillor Christopher Towe – Finance and Resources

Service: Benefits

Wards: All

Key decision: Yes

Forward plan: Yes

1. Summary

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- 1.5 It is for these reasons that the proposal is to run an interim scheme for 2013/14 and use the data and learning gathered over this period to shape the design and the delivery for the longer term.

2. Recommendations

- 2.1 That Cabinet approve the adoption of the Walsall Crisis Support Scheme as an interim scheme for 2013/14.

That during this period further consultation is undertaken; that applicant data is collected and an equality impact assessment is completed to support the design of a scheme for the longer term based around residents demand.

- 2.2 That Cabinet delegates to the Councils Chief Finance Officer, the authority to make amendments to the scheme to reflect any changes required by legislation and/or government guidance, in consultation with the portfolio holder – Finance and Resources.

3. Report detail

- 3.1 In March 2012, the government’s Welfare Reform Act included powers to end the discretionary elements of the Social Fund. Crisis Loans schemes and Community Care Grants will be abolished from April 2013 and replaced by locally based welfare provision delivered by Local Authorities.

- 3.2 The Government’s reasons for devolving these responsibilities to Local Authorities are as follows:

- Moving to a remote telephone based service has led to unacceptable increases in volumes of applications and costs which are in part driven by widespread misuse of the system;
- It is difficult and expensive to make robust and fully evidenced discretionary decisions about levels of need and the extent of a crisis without some local knowledge;
- The design and delivery of the current scheme does not identify vulnerable people and refer them on to appropriate services where further additional support is needed. As a result a small but significant number of people are

locked into a counterproductive and damaging cycle of increasing debt through repeat applications and awards.

- A locally based scheme will deliver a more responsive, better targeted and a more suitable appropriate to the needs of local communities.
- 3.3 Local Welfare Provision is not expected to mirror the existing scheme of Social Fund loans and Community Care Grants as the DWP openly acknowledge that the current system is open to abuse and that in recent years they have had to put measures in place to regain control of the expenditure in this area.
- 3.4 The Government's only stipulation for Local Welfare Provision is that we should use the grant to support customers in 'immediate threat to health and safety'. We are also required to use this grant to provide some financial support to customers moving into the community to replace the existing scheme of Community Care Grants.
- 3.5 Other elements of the Social Fund will be retained by the DWP, nationally, in the form of funeral payments, cold weather payments, winter fuel payments and sure start maternity grants. Budgeting loans and crisis loans for alignment purposes will be replaced by short term advances and budgeting advances, and will be within universal credit from October 2013.
- 3.6 Whilst we have been provided with high level information of customer numbers, demographic information and expenditure from the DWP in relation to the current scheme, we will not fully understand the demand on the local service until we have worked with applicants who apply for support to us after the 1 April 2013.
- 3.7 It is for this reason that our proposed local scheme for "Walsall Crisis Support Scheme" is based on key principles of how we see the scheme operating within Walsall.
- 3.8 These key principles have been shared with internal and external stakeholders who support this proposed approach.
- 3.9 The timescales for the transfer of this grant are very tight. The expectation is that our scheme will be operational from 1 April 2013.
- 3.10 Walsall's Crisis Support Scheme is based on the following principles and is attached in **appendix 1**:
1. Build on existing multi-agency working by offering applicants other partners/advocates support to ensure long term solutions can compliment support facilitated by this fund.
 2. Ordinarily to provide goods and services to support the customers' needs and this will not be offered as a loan, it will be an award.
 3. Work with statutory services, local community and voluntary groups and other interested parties to facilitate this scheme.
 4. Promote applications from advocacies and support services to ensure the most vulnerable are targeted and supported.
 5. Repeat awards will not ordinarily be granted – unless exceptional circumstances dictate otherwise.

6. Set fair eligibility criteria and provide applicants with a right to a review.
7. The fund's budget position is taken into account when making decisions

4. Council priorities

- 4.1 The changes and decisions required may help to mitigate some of the negative impact that the welfare reform will have on the council's priorities as the reduction in benefit payments will take money out of the local economy.

5. Risk management

- 5.1 The legislative changes and the decisions required to support these changes pose a potential significant financial and reputation risk as the demand variables are unknown.

6. Financial implications

- 6.1 On 6 August, the Minister of State for Pensions issued a settlement letter to Walsall Council outlining the indicative amount of programme funding we will receive to establish the new provision for the financial years 2013/14 & 2014/15. The awards are based on discretionary Social Fund spend for 2012-2013.

The breakdown of this funding is shown below:-

Walsall	
Local Authority:	Walsall
2012/13	
Set-up funding	£10,985
2013/14	
Programme funding	£1,098,510
Administrative funding	£232,123
2014/15	
Programme funding	£1,098,510
Administrative funding	£212,766

Whilst the settlement falls short of what was expected, the funding is un-ring fenced and can be used in a number of different ways to meet local need. This could include, for example, topping up local food banks, commissioning additional advocacy support or matching the funds with existing discretionary grants.

Legal implications

- 7.1 The proposed scheme is in accord with the requirements set out in the settlement letter by the Minister of State for Pensions.

8. Property implications

- 8.1 There are no property implications.

9. Staffing implications

- 9.1 Additional staffing resources will be required to deliver the scheme. It is proposed that 5 additional assessment resources are aligned to and managed by the benefits service, fully financed from the administrative funding (6.1).

10. Equality implications

- 10.1 Whilst equality data is available from the DWP this is national data and refers to the current scheme provision. An EqIA will be completed during 2013 and the design phase of the new scheme that will operate from April 2014. Consultation is ongoing and the outcome of consultation will contribute to the EqIA.

11. Consultation

- 11.1 Consultation commenced with feedback on the design of a local crisis support scheme from officer groups and a key stakeholder event.
- 11.2 Further consultation will continue with members and other such persons that are likely to have an interest in the operation of the scheme.

Background papers

- The Minister of State for Pensions settlement letters for local support that replaces Community care and Crisis Loans. 6th August 2012 and 11th December 2012.
- Further information on the social fund reform can be found on the DWP web site. <http://www.dwp.gov.uk/local-authority-staff/social-fund-reform/>

Author

Lynn Hall
Head of Benefits

☎ 659386

✉ halllynn@walsall.gov.uk

Rory Borealis
Executive Director
Resources
18 December 2012

Councillor Christopher Towe
Portfolio holder Finance and Personnel

18 December 2012

Walsall Council

The Walsall Crisis Support Scheme

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Walsall Crisis Support scheme

Section 1 – Purpose

1.1 The purpose of this document is to outline how Walsall Council will operate the Walsall Crisis Support Scheme (WCSS) and to indicate the factors that will be considered when deciding if a WCSS award can be granted. Each case will be treated strictly on its merits and all applicants will receive equal and fair treatment within a transparent process taking full account of the Council's responsibilities under all relevant government legislation, for example the Human Rights Act and Equality Act 2010. Walsall Council is committed to working with the Local Voluntary Sector, Social Landlords and other interested parties.

1.2 The council will seek to help Walsall residents taking into account their full circumstances. There may be complex needs and we will offer other options to support the resident that are outside this scheme. Awards may be complemented by alternative forms of support, for example debt advice, money management advice, signposting to 3rd sector agencies e.g. food banks

Section 2 – Considerations for an Award

2.1 Walsall Council will consider making an award from the WCSS to all residents who meet the eligibility criteria as specified in this document. The operation of the scheme is at the Council's discretion and applicants do not have an automatic right to a WCSS award. The scheme's budget position will be taken into account when making an award.

2.2 Ordinarily cash awards will not be granted.

2.3 The purpose of any award is to support an individual or family in emergency circumstances, for that reason repeat awards will not ordinarily be made.

2.4 There are two types of areas that will be considered when assessing applications

- Crisis Awards
 - Community Care Awards
- As 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.

Section 3 - Crisis Awards

3.1 Crisis Awards cover scenarios where, there is a severe risk to the health and safety of the applicant or an immediate family member or dependent

which cannot be met from another source. Awards could, for example, be made to cover the following risks:

- No access to essential needs (food, heating and clothing)
- Imminent deterioration/deterioration in health
- Domestic abuse, neglect and harm.
- breakdown of the family unit

3.2 What is a crisis?

It is an event of great or sudden misfortune such as major flooding, gas explosion or a house fire. A crisis could also cover having no financial funds available to meet daily living expenses.

A crisis refers to an urgent need as a consequence of an emergency, disaster, unforeseen circumstance or a pressing need that is strikingly different from the pressures generally associated with managing on a low income.

3.3 In determining the nature and complexity of a crisis, the following will be considered:

- Circumstances that place the household / immediate family members under greater pressure than might generally be associated with managing on a low income;
- It could be either a single major pressure or the cumulative effect of a number of less significant pressures, which may not be exceptional if taken individually. It is the overall impact on the household's circumstances that is important;
- The individual's / household's resources and skills for coping with the crisis;

Section 4 - Claiming a Crisis Award

4.1 Eligibility criteria

To be eligible for a crisis award all of the following conditions must be satisfied. Applicants must:

- Be aged 16 or over
- Be without sufficient resources to meet their immediate short-term needs or those of their family
- Not be a excluded person
- Not be a person subject to immigration control
- Ordinarily you must be a resident of Walsall 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 Walsall area is required. Not be an excluded person (4.5)

4.2 How to apply

- A claim for a Crisis Award can be made by supplying information that validates their need, circumstances and eligibility:-
- You can contact us in the following ways:-
 - A referral via an advocate, agency or statutory authority acting on the applicant's behalf;
 - By telephone
 - By post to: Benefits Services, Walsall Council, Civic Centre, Darwall Street, Walsall, WS1 1XU

4.3 Details of how the application process will be operated are as follows:

- Talk to the WCSS officer either on the telephone or in person.
- The officer will confirm during this process whether the applicant is eligible to be considered for an award.
- The officer may contact other agencies, or carry out a home visit or an interview in order to obtain/confirm information.
- If successful the applicant will be told how the award will be made.
- A letter will also be sent explaining the decision and the appeals process for both successful and unsuccessful applications. Alternative arrangements will be put in place as necessary for those who do not have a permanent contact address.

4.4 Application by a Service Provider/agency

- The Council will also consider applications submitted by Service Providers/agency who on behalf of individuals routinely provide support and guidance for their clients.
- Such applications must be made with the individual's explicit consent. Providers include, as an example, the Women's Refuge, Homeless

Hostels and Independent Living providers. The Council will take into consideration any information provided by key service providers in support of their clients' applications.

4.5 Exclusions

Exclusions (in addition to those outlined elsewhere in this document)

- The following people are excluded for Crisis award in all circumstances
 - Prisoners and people lawfully detained, including those released on temporary licence (but not those released on parole or on bail pending a court hearing)
 - Members of a religious order who are fully maintained by the order

- The following people are excluded from a crisis award except in very limited circumstances
 - full-time students can only receive support for expenses arising out of a disaster.
 - Someone who is a 'person from abroad' (i.e. who fails or would fail the habitual residence test for the purpose of Income Support, Pension Credit, Income-based Job Seekers Allowance or Income Related Employment Support Allowance) they can only receive support for expenses arising out of a disaster.
 - People subject to certain disallowances or sanctions to their Job Seekers Allowance, Employment Support Allowance, Income Support or Pension Credit or equivalent welfare benefits.

Section 5 – Forms of Crisis Award

5.1 Awards will be made for the provision of:

- Food (voucher)
- Clothing and nappies (voucher)
- Heating (payment of pre-payment meter)
- Access to hospital
- Other forms of support in exceptional circumstances.

Section 6 – Community Care Awards

6.1 Awards for community care are intended to help vulnerable people live independent lives to remain and become integrated within their community.

The applicant can be the person requiring care, a member of their immediate family, or someone else the applicant or their family will be providing care for.

- 6.2 An application may be considered for one of five categories of community care:
- 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 in caring for a prisoner or young offender on home leave or release to re-adjust to life outside of prison
 - 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 of:
- Receiving Income Support,
 - Income Based Jobseekers Allowance,
 - Income Related Employment Support Allowance or
 - Any type of Pension Credit.

However, by itself, this does not give an entitlement to an award; therefore, regard to all circumstances will be taken into account.

Under certain circumstances, we will not preclude applications from people who are 'in work' but have insufficient resources to meet a care need arising from an exceptional pressure.

6.4. Residents may be able to get a Community Support Award if they are leaving accommodation in which they received significant and substantial care and supervision. Examples of such accommodation that would fit this criterion are:

- hospital or other medical establishment
- care home
- hostel
- staff intensive sheltered housing
- local authority care
- Prison or detention centre.

6.5 Unless there are exceptional circumstances applications from single people living with other family members will not be awarded as they are likely to have access to assistance from other family members.

Section 7 Claiming a Community Care Award

7.1 Eligibility Criteria

Applicants may receive a Community Care Award (CCA) if they are:

- they are leaving accommodation in which they received significant and substantial care and supervision and expect to be discharged within 6 weeks and be expected to receive one of the benefits indicated above (examples of such accommodation are indicated in paragraph 6.4).
- Not only must the applicant be leaving such an establishment, but also establishing themselves in the community. Both the time spent in the accommodation and the level of individual care and supervision provided will be taken into consideration when making a decision.
- A Community Care Award may also be made if this will help a applicant to stay in the community rather than enter accommodation to receive care. One of the factors considered is how immediate the likelihood is of going into such accommodation, and whether the type of item or service asked for would prevent this happening. Some examples are:
 - Help with expenses for improving the home to maintain living conditions
 - Help to move to a more suitable place to live or to be nearer someone who will provide care and support.
 - If this will help with costs to ease exceptional pressures for an applicant and their family. Some examples of situations that may give rise to exceptional pressure are:
 - Someone in the family suffers from a disability or chronic sickness which gives rise to an exceptional need and where that need cannot be met by another support funds e.g. Disability Living Allowance.
 - there is, or has been, a breakdown of relationships within the family, (including domestic violence)
 - there is a serious problem with the accommodation, such as overcrowding or structural problems
 - Domestic upheaval because of unforeseen circumstances such as house fire, flooding or other disaster.

The above is not an exhaustive list.

What causes exceptional pressure can cover a very wide range of personal circumstances. When considering applications, assessors will look at **all** the factors causing pressures on the family and will decide:

- whether any of them individually or collectively when looked at as a whole, constitute exceptional pressure, and:
- If so, whether the items applied for will ease that exceptional pressure.

7.2 Application and Assessment Process – Information supplied by the applicant

- The applicant completes and submits WCSS application form, either on-line or by post
- WCSS officer will review the application
 - If the application is complete, the Council will write to both successful and unsuccessful applicants with the reasons for the decision and details of the appeals process.
 - If the application is incomplete or further supporting evidence is required, the team will call the relevant services or the applicant for the necessary information. Once all relevant data has been collected the WCSS team will aim to contact the applicant with a decision.

7.3 Application and Assessment Process – Application made by Service Provider

For service providers the following process will be followed:

- Applicant contacts the service provider asking for assistance in claiming an WCSS
- Service providers complete their internal assessments
- Service provider identifies that the applicant may be eligible for Community Support Award
- Service provider supports applicant to complete Community Support Award application and this is picked up by an WCSS officer
- WCSS officer considers the application and makes a decision
 - If the application is complete, the Council will contact to both successful and unsuccessful applicants with the reasons for the decision and details of the appeals process. If successful, awards will be provided in line with the applicants needs.
 - If the application is incomplete or further supporting evidence is required, the team will call relevant services or the applicant for the necessary information. Once all relevant data has been collected the WCSS officer will contact the applicant with a decision. If successful, awards will be provided in line with the applicants needs.
 - Walsall Council may request any reasonable evidence in support of an application for a WCSS award. Such requests may be requested by phone/in person or in writing.

- Walsall Council reserves the right to verify any information or evidence provided by the applicant in appropriate circumstances. Any such request will be essential to the decision making process and will only be used in connection with the WCSS application.
- If the applicant is unable to or does not provide the required evidence, Walsall Council will still consider the application and will take into account any other available information.

7.4 Notification

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

A decision for award may be conditional upon the applicant agreeing or meeting certain requirements to prevent the risks associated with the crisis or care need re-occurring. For example, if an unsettled way of life has been mediated by drug and alcohol addiction, the applicant will be required to seek treatment/therapies as advised by specialist health workers.

Should an applicant be unsuccessful, they can ask for their decision to be reviewed if there are reasonable grounds to do so. (See right to seek a review)

Section 8 Community Care Awards

If successful, awards will be provided in line with the applicants needs. The WCSS officer will use discretion to recommend suitable items or services after discussing with the applicant/agent; considering the needs of the applicant and consulting with relevant agencies.

8.1 Awards may be made for the provision of:

- Bed
- Bedding
- Utensils (including microwave)
- Something to sit on
- Additional items as necessary (health/age/disability) including:
 - White goods
 - Carpets/curtains
- Access to hospital

Section 9 - Method of Award

9.1 Depending on individual circumstances, awards may be made to:

- The applicant;
- Their partner;
- An appointee;
- Any third party to whom it might be most appropriate to make payment i.e. directly to the supplier of goods or services.

9.2 Walsall Council will make a WCSS award usually in the form of a voucher or whatever other method is most appropriate e.g. raise a purchase order for an agreed item on behalf of the applicant by Walsall Council.

Section 10- The Right to Seek a Review

Reviews

10.1 Reviews of any WCSS decision can be requested using the procedure below:

10.2 If the applicant disagrees with a decision they will be advised to talk to the WCSS officer first and the claim will be checked.

10.2 An applicant (or their appointee or agent) who disagrees with a WCSS decision may challenge the decision. An applicant can ask for a review if they can demonstrate there has been a factual error based on the decision made or has new evidence which has come to light which was not provided with the original application. In either circumstance, the applicant must provide the relevant details. Such review requests must be made in writing to the Council within one calendar month of the written WCSS decision being issued to the applicant.

10.3 When a request is made, the Council will conduct a review of the decision and contact the applicant to advise whether the decision will be amended, and if so, details of the award. If the decision is confirmed, details will also be provided of how to Appeal. All reviews will be considered by an officer not involved in the original decision.

Appeals Process

10.4 An appeal can be made if the applicant remains dissatisfied with the review decision. An appeal must be submitted to the Council

10.5 A Council's Benefits Manager, in conjunction with a Benefits appeals officer, will conduct a full review of the decision. A decision will be made as soon as possible. The outcome of the appeal will be notified in writing to the applicant and / or the person submitting the appeal.

10.6 If the applicant remains dissatisfied, the applicant has the right to contact the Local Government Ombudsman after receiving the final appeal decision.

Section 11- Monitoring arrangements and managing the Walsall Crisis Support Scheme fund

11.1 Walsall Council will also monitor cases where a WCSS request has been refused to ensure decisions are being made fairly and consistently. The Council is subject to the general equality duty. This means that steps will be taken to monitor implementation of this scheme to ensure no one is subject to disproportionate adverse treatment because they had a protected characteristic. The general equality duty requires that the Council has due regard to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share relevant protected characteristic that are different from the needs of persons who do not share it.
- Foster good relations.

Section 12- Publicity

12.1 Walsall Council will publicise the WCSS and will work with all interested parties to achieve this. WCSS will be publicised on the Council's website and the Walsall Council, Citizens Advice Bureau, local registered social landlords and voluntary sector organisations are made aware of the WCSS the relevant criteria for an award to be made and how claims can be made.

Section 13 - Fraud

13.1 Walsall Council is committed to the fight against fraud in all its forms. An applicant who tries to fraudulently claim a WCSS by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under the Fraud Act 2006. Where it is alleged, or the authority suspects that such a fraud may have been committed, the matter will be investigated and if fraud is found to have occurred, action will be taken including if appropriate criminal proceedings.

13.2 The council may seek recovery of any awards that are found to have been paid fraudulently.