



## **Isle of Wight Council**

### Local Assistance Scheme Policy

January 2013

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## 1. Background

- 1.2 The government's wider welfare reforms include new powers to end the discretionary elements of the Social Fund. It is the Crisis Loans and Community Care Grants (discretionary elements) which are being abolished and that have to be replaced by the Local Assistance Scheme (LAS) from April 2013.
- 1.3 The LAS is to cover an appropriate and responsive program of support and assistance to Island residents who are in genuine hardship (which can not be met through other means), so that they are able to access support that they need, financial or otherwise, quickly and effectively from April 2013.
- 1.4 The government will provide funding towards LAS provisions for two years, at which point the financial funding arrangements are due to be reviewed as part of a further spending review.
- 1.5 The main features of the scheme are:
- Awards comply with the eligibility and qualifying criteria;
  - No claimant or their family should be able to have more than three awards in any given 12 month rolling period;
  - To assist with exceptional pressure or immediate crisis that was not foreseen;
  - Awards should generally be viewed as short term emergency funds rather than ongoing top up payment in addition to a claimant's individual benefit income or other sources of income, and should not be considered as a regular package of assistance or a way round any current or future benefit entitlement reform restrictions imposed by government;
  - The LAS award is designed to help local people in a genuine severe financial crisis out of immediate hardship and offer them advice and support to maintain their own financial independence in the longer term;
  - To help Island residents who are in genuine hardship (which can not be met through other means) by providing an appropriate level of support through the Local Assistance Scheme Fund;
  - The scheme is purely discretionary; an applicant does not have a statutory right to a payment or award;
  - The total amount that can be paid out by the authority in any financial year is cash limited, delivered from within the total of the annually available funding resources provided from the Department for Communities and Local Government;
  - The scheme will be managed to ensure it is not effectively exhausted before the end of the financial year i.e. if the scheme begins to overspend against monthly targets the council will limit support to the top priority criteria of assistance rather than all criteria: by top criteria this will imply where there is an immediate health & safety risk or life threatening impact that requires help with food & heat for those applications where children are included or vulnerability is proven

1.6 The LAS is based on three key service principles;

- **Responsive** – so that Island residents, who are in genuine hardship, which cannot be met through other means, are able to access the support that they need quickly and effectively.
- **Enabling** – so that any support offered will focus on increasing independence, either to live in the community, or to gain financial independence. This will involve understanding the root cause of the person's/family's problem, in order to pull together the necessary support required that enables them to take back control of their situation (which may or may not include financial assistance).
- **Collaborative** – so that the service works in partnership with other key agencies and sources of support on the Island, to ensure that people are assessed and linked in with the right support to enable them to fix their problems longer term.

## 2. Qualifying criteria for claimants

2.1 The LAS officer will consider making an award to claimants who meet the following qualifying criteria and where there is sufficient funding to allow payment. They will treat all applications on their individual merits and will seek through the operation of this policy to:

- Support for Island residents who have an established link over an appreciable period on the Island. For example, 12 months.
- Not consider an application from a person from abroad in line with Social Security benefit administration rules.
- Support vulnerable young people and children where there is neglect and domestic violence, to help families and carers to provide a safe and supportive environment for them.
- Encourage Island residents to obtain and sustain housing to avoid homelessness for them and their families, provided that other sources of funding have been exhausted.
- Support vulnerable residents in the local community.
- Help claimants with a need for emergency access to food and essential utilities.
- Help claimants with a need for essential white goods and essential items of furniture.
- Help claimants with a need for essential clothing for children or adults where there is no alternative support available, for example school uniform.
- Help claimants with travel costs in the case of an emergency where there is no other alternative support available, for example travel costs for medical appointments.
- Help claimants with other emergency funding where it is deemed appropriate to provide support for an essential need, for example fire or flood (where not covered by insurance), theft (that has been reported to the police and a crime reference number has been provided).
- Help claimants seeking assistance following natural disaster, for example flood or fire.

- Only help where the claimant has not been given more than three awards in the last 12 months.
- Only help where the claimant has not applied for the same grant in the last 28 days.
- Only help where there is not considered to be another source of support in order to obtain the assistance being requested by the claimant.

### **3. Claiming Local Assistance Scheme support**

- 3.1 Forms will be made available on line and a designated phone line will be set up. The LAS application process will run through a pre-eligibility check questionnaire to determine whether it is appropriate to continue to complete a full application form. Where a claimant is refused LAS they may be signposted to other agencies where support is available.
- 3.2 The LAS officer may request evidence to support an application. The claimant will be asked to provide the evidence immediately of such a request although this can be extended in appropriate circumstances.
- 3.3 The LAS officer reserves the right to verify information or evidence provided by the claimant in appropriate circumstances. This is on the understanding that by submitting an application the claimant is making a declaration and consenting to the obtaining and sharing of information with/from other departments in order to determine eligibility and also signposting for other support.

### **4. Assessing what Local Assistance Scheme support is to be awarded**

- 4.1 In deciding whether to award support and the level to be given, the LAS officer may take into account:
- The shortfall between any income and allowable expenditure;
  - Any steps taken by the claimant to remedy the situation;
  - The medical circumstances (i.e. health and disabilities) of the claimant, their partner and any other occupants of the claimant's home;
  - Any savings, capital, investments, or other amounts held in bank accounts that might be held by the claimant or their family. Assistance would not normally be offered if the claimant or their family had over £700 (if of working age), or £1,200 if of pension credit age;
  - The level of debts or loans of the claimant or their family and the duration of the loan period;
  - Any special circumstances brought to the attention of the LAS officer;
  - Whether the claimant has applied for specialist accommodation that requires specialist needs/adaptations;

- Whether the claimant is willing to participate in practical support or advice services to improve their situation and avoid repeated issues, for example attending budgeting training;
- The length of time the claimant has been resident or has had local links to the Isle of Wight (12 months).?

- 4.2 In all cases the LAS officer will decide the amount of LAS award on the basis of the information and evidence supplied, and the facts known. The current availability of LAS finances will always be taken into account.
- 4.3 Claimants should demonstrate, and where appropriate, provide evidence that expenditure is essential, or has reduced, or alternative support was not available prior to an LAS award or further award being made.
- 4.4 The LAS support scheme criteria will be reviewed periodically and the scheme may be varied as necessary to ensure that the LAS remains within the financial budget limit.

## **5. Making payments/providing goods for Local Assistance Scheme awards**

- 5.1 The production of a payment or voucher following an award will depend on the required support or assistance being awarded. There will be no direct provision of cash payments made, where there is an alternative to providing the LAS through a third party or agency agreement. Instead awards will be made by credits or vouchers being produced through a third party for the claimant to collect from the relevant agency to use for the purpose intended within the application request.
- 5.2 Where possible the production of a payment through the agreed crediting systems will be immediate. It may take longer if a product needs to be ordered from a relevant supplier.
- 5.3 The intention is that a single payment/award is generated to be used specifically for the intended item(s) that had been applied for.
- 5.4 Production of vouchers/credits will be restricted to a specific use and have an expiry date. There will be no cash alternative value or ability for anyone other than the claimant to use them, as proof of ID will need to be presented to the supplier to enable them to accept them for the intended use.

## **6. Circumstances where awards may not be made/ineligible support**

- 6.1 Where the claimant or partner has other money available that can be used for the things needed.
- 6.2 If the claimant or their partner, as joint claimant, have savings of £700 or more and they are under the pension credit qualifying age, or £1,200 or more if they are over pension credit qualifying age.
- 6.3 If the claimant or their partner has already had three LAS awards or equivalent Department for Works and Pensions Crisis Loan/Community Care Grant awards made to them in the last 12 months.
- 6.4 If the claimant or partner has applied for a LAS award for the same items in the last 28 days and nothing has changed.
- 6.5 The length of time in which the claimant has had a residence local link to the IW is less than 12 months
- 6.6 No person will be entitled an award under LAS if they are treated as a person from abroad in accordance to Immigration and Asylum Act 1999, Section 115. It is the intentions of this policy to apply the same principles to LAS exclusions as are applied to other public fund benefit awards e.g. the former Social Fund payments.
- 6.7 There are some things that a claimant cannot apply for under LAS to pay for, for example court fees, work related expenses, debt interest, crisis loan alignment payments (short term advances), budgeting loans/budgeting advances.
- 6.8 Where a claimant or partner has received a previous LAS award and they cannot account for the item(s) supplied. For example, providing white goods that are no longer held.

## **7. Deciding whether to make a Local Assistance Scheme and notification of decisions**

- 7.1 LAS officers will look at all information on the application form that has progressed beyond the pre-eligibility checker before deciding whether a grant can be made.
- 7.2 There is only a limited amount of money available for payments and items under LAS, so awards will not be able to be made in every case if the funds overall limit has been reached. In such cases where the grant funds are to be limited, awards will be made by categorising what the higher risk needs may be payable for and what of a lesser risk will be refused. The authority reserves the right to apply restrictions to granting of awards around the availability of the money available to make LAS awards.

- 7.3 The information provided on the application will help the LAS officer to decide:
- If they qualify for a payment or items, and if so;
  - Whether the authority can make a grant from the budget available.
- 7.4 Applications must supply as much information as possible to outline how the award will help the claimant, either to cope with a crisis or to live independently in the community.
- 7.5 LAS officers will check some of the information provided in the application form, for example the benefits that have been indicated as in receipt of with the Department for Works and Pensions, and any Local Authority administered benefits/support, i.e. Housing Benefit and Local Council Tax Support.
- 7.6 LAS officers may also make inquiries and talk to other people about an application that has been made, for examples with social workers and doctors, if the claimant has told the authority it is alright to do so.
- 7.7 The authority will only make an award or give the claimant items if the authority is sure that this is the only way that the claimant can get the help they need.
- 7.8 Where there is an existing support mechanism in place that may meet the claimant's indicated need, the authority reserves the right to signpost the claimant to this service rather than consider the LAS application.
- 7.9 The authority also reserves the right to decide to make an award for less than the claimant has asked for.
- 7.10 The authority will aim for all crisis applications to be processed within two working days or sooner where there is the potential to cause a health and safety issue and this has been indicated within the application form. If the application is urgent, the authority will also contact the claimant by phone to let them know.
- 7.11 The authority will aim to process applications where there is a non-life threatening request, for example essential goods, or other non emergency items that may have been considered under a former Community Care Grant within 14 working days.
- 7.12 The LAS officer will inform the claimant of the decision by either SMS text messaging, email, phone or writing. This will confirm if the application has been successful or not, what award is to be made, and where there is no award to be made what other assistance might be available to them.
- 7.13 Where a successful award is made, the claimant may be asked to provide receipts to show that they have bought the items for which the award was made. The claimant is responsible for making sure they keep their receipts.



## **8. The Right to appeal**

- 8.1 LAS awards are not subject to a statutory appeals mechanism.
- 8.2 The LAS officer will operate the following policy for dealing with appeals.
- 8.3 A claimant (or their appointee or agent) who disagrees with a LAS decision may dispute the decision. A request for an appeal shall be made in writing to the LAS officer within one calendar month of the decision being issued to the claimant and they must tell the authority why they want a review of the decision.
- 8.4 Where agreement cannot be reached, a senior officer or senior manager will consider the case. They will review all the evidence held and will make a decision within 20 days.
- 8.5 Where the senior officer or senior manager decides not to revise the original decision he/she will notify the claimant of their decision, in writing, setting out the reasons for their decision. This decision is final and binding and may only be challenged via the judicial process or by complaint to the Local Government Ombudsman.
- 8.6 In exceptional circumstances only, all of the above time periods for appeal may be extended.

## **9. Finance**

- 9.1 There is an overall limit on expenditure.
- 2013/14 central government fund is £344,000
- 9.2 Appropriate funding will be monitored on a monthly basis throughout the year to ensure that the payment of awards does not exceed the finance limit.
- 9.3 The control of expenditure will be closely monitored on a monthly basis and will enable future scheme considerations to be determined.

## **10. Repayment of support**

- 10.1 The LAS award is from public funds and any such awards must be used for the purpose outlined in the application.
- 10.2 Where an LAS award is made and satisfactory evidence is not provided to show that the items requested have been obtained, used, or retained for the claimants use, the authority reserves the right to request repayment of the grant to the value of the award.
- 10.3 The LAS officer will seek to recover any LAS award that has been found to be inappropriately used. Normally this will involve issuing an invoice to the claimant or the person to whom the award was made.
- 10.4 The decision that notifies an overpayment will also set out the right of appeal.

## **11. Publicity**

- 11.1 The Isle of Wight Council will publicise the LAS. A copy of the policy is available for inspection and is posted on the council's website at: [www.iwight.com/las](http://www.iwight.com/las).

## **12. Fraud**

- 12.1 The Isle of Wight Council is committed to the fight against fraud in all forms. A claimant or their representative who tries to claim a LAS award by falsely declaring their circumstances or by providing a false statement or evidence in support of their application may have committed an offence under the Theft Act 1968. Where the LAS officer suspects that such a fraud may have occurred, the matter will be investigated as appropriate and this may lead to criminal proceedings being instigated.