



# WOKINGHAM BOROUGH COUNCIL

A Meeting of an **INDIVIDUAL EXECUTIVE MEMBER DECISION** will be held in First Floor 13 - Civic Offices, Shute End, Wokingham RG40 1BN on **FRIDAY 29 MARCH 2019 AT 8.40 AM**

*Heather Thwaites*

Heather Thwaites  
Interim Chief Executive  
Published on 21 March 2019

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# **WOKINGHAM BOROUGH COUNCIL**

## **Our Vision**

A great place to live, an even better place to do business

## **Our Priorities**

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

## **The Underpinning Principles**

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

**For consideration by**

**Anthony Pollock, Executive Member for Finance, HR and Corporate Resources**

**Officers Present**

**Madeleine Shopland, Democratic and Electoral Services Specialist**

**Nicky Thomas, Senior Specialist - Assessments**

<b>IMD NO.</b>	<b>WARD</b>	<b>SUBJECT</b>	
IMD 2019/08	None Specific	<b>LOCAL WELFARE PROVISION POLICY</b>	<b>5 - 20</b>

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# Agenda Item IMD8

## INDIVIDUAL EXECUTIVE MEMBER DECISION REFERENCE IMD: 2019/08

<b>TITLE</b>	<b>Local Welfare Provision Policy</b>
<b>DECISION TO BE MADE BY</b>	Executive Member for Finance, HR and Corporate Resources - Anthony Pollock
<b>DATE, MEETING ROOM and TIME</b>	29 March 2019 FF13 8:40am
<b>WARD</b>	None Specific;
<b>DIRECTOR / KEY OFFICER</b>	Director of Locality and Customer Services - Sarah Hollamby

### **PURPOSE OF REPORT (Inc Strategic Outcomes)**

Wokingham Borough Council (the Council) considers that it is in the best interests of the community to run a Local Welfare Provision (LWP) scheme. The scheme will be reviewed annually to provide the Council with an opportunity to understand, measure and respond to local demand.

This scheme will be known as the Local Welfare Provision (LWP) scheme and will apply from the date of adoption, until changed.

Protecting the vulnerable residents of Wokingham Borough forms part of the duties and responsibilities of various council (and partner) teams. With the emergency financial provision through LWP we aim to further assist vulnerable people who may be in crisis or an emergency where financial assistance would help. It recognises that in addition to the wide spectrum of support that is available to its residents, the Council needs to be flexible in order to mitigate unforeseen circumstances that will place additional pressure on residents and the services they receive.

The LWP scheme is to stop unforeseen issues escalating into more serious or systemic problems that require a more sustained and intensive response. If we do not run a scheme there is the risk that those vulnerable residents will fall into more serious problems, such as homelessness, which would impact on the authority and its resources.

### **RECOMMENDATION**

The Executive Member for Finance, HR and Corporate Resources is recommended to:

- 1) approve the Local Welfare Provision Policy amendments to be implemented from April 2019;
- 2) note that the amendments are to financial year, Executive Member title and funding details.

## SUMMARY OF REPORT

The Council will consider making a LWP award to applicants who meet the qualifying criteria, as specified in this policy, providing sufficient funding for this purpose is available at the time of the Council's decision. All applications will be considered on their individual merits.

The features of the Council's 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 funding decided by Wokingham Borough Council;
- 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;
- 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 in a non-discriminatory way.

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 a Local Welfare Provision 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.

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

- ease severe financial pressure on families in certain situations;
- give flexible financial help to those in genuine need;
- prevent serious risk to the health, well-being or safety of the borough's most vulnerable and financially excluded residents;
- help those without the necessary means. This could include assistance to those coming in to the Borough from care or prison, or those already here, to remain in their community;
- signposting to the best organisation to assist with needs.

The purpose of this revised Policy is to update financial year, Executive member title and funding details. The criteria and claims process remain unchanged from previously agreed policy.

## Background

The Welfare Reform Act 2012 (the Act) ends the current provision of Community Care Grants and Crisis Loans under the Discretionary Social Fund for living expenses provided by the Department for Work and Pensions (DWP).

Since 1<sup>st</sup> April 2013, funding was transferred from the DWP to Local Authorities to provide locally designed and administered assistance to vulnerable people.

There is no statutory duty requiring local authorities to deliver a specific scheme for administering this funding. Between 2013 and 2016, scheme funding was provided by allocations granted by Government for this specific purpose. From 1st April 2016, the scheme is cash-limited to the amount of funding provided by Wokingham Borough Council from its general funds. It doesn't replace the support mechanisms and budgets that exist elsewhere within local authorities. The funding allocated for 2018/19 and 19/20 is £23,170.

This policy has been designed with consideration of The Human Rights Act 1998 and The Equality Act 2010.

## Business Case (including Analysis of Issues)

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 a Local Welfare Provision 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.

## FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

***The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	The council decided to provide funds to run its scheme from general funds. For 2018/19 £23,170 was approved.	Yes. No further awards will be made if funding is exhausted in year	
Next Financial Year (Year 2)	The council has decided to continue to provide	Yes. No further awards will be made	

	funds to run its scheme from general funds. For 2019/20 £23,170 has been approved.	if funding is exhausted in year	
Following Financial Year (Year 3)	Not yet known	WBC will need to decide if it wishes to operate a LWP scheme for 20/21 and if so, fund accordingly	

<b>Other financial information relevant to the Recommendation/Decision</b>
None

<b>Cross-Council Implications</b>
During the initial development of this Policy, other Council service areas were consulted to ensure that this scheme was complimentary to but did not overlap with any similar provision in those service areas. The suggested amendments do not change that position

<b>SUMMARY OF CONSULTATION RESPONSES</b>	
<b>Director – Customer and Locality Services</b>	Changes include updating of financial years, finances/funding. Director and Assistant Directors have reviewed policy changes and had the opportunity to comment on.
<b>Monitoring Officer</b>	No comments received
<b>Leader of the Council</b>	No comments received

<b>List of Background Papers</b>
Revised WBC LWP Policy

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**WOKINGHAM  
BOROUGH COUNCIL**

**LOCAL WELFARE PROVISION  
POLICY 2019-2020**

## Version Control

Version	Date	Author	Comments
1	13 <sup>th</sup> December 2012	Nicky Thomas Mark Redfearn	First Full Draft
	24 <sup>th</sup> February 2013	Nicky Thomas	Final
Final	22 <sup>nd</sup> March 2013		<b>Agreed by Anthony Pollock</b>
2	16 <sup>th</sup> October 2013	Nicky Thomas	Revisions draft
3	18 <sup>th</sup> February 2014	Nicky Thomas / Kevin Mercer	
2 <sup>nd</sup> Final	29 <sup>th</sup> August 2014		<b>Agreed by Anthony Pollock</b>
	24 <sup>th</sup> February 2016	Nicky Thomas/ Barbara Blake	Revisions Draft
3 <sup>rd</sup> Final	22 <sup>nd</sup> April 2016	Nicky Thomas/ Barbara Blake	Agreed by Anthony Pollock
4	13 <sup>th</sup> January 2017	Nicky Thomas/ Barbara Blake	Revisions Draft
5	3 <sup>rd</sup> August 2017	Nicky Thomas/ Barbara Blake	<b>Agreed by Oliver Whittle</b>
6	9 <sup>th</sup> March 2018	Barbara Blake	Revisions draft
7	16 <sup>th</sup> March 2018	Andrew Kupusarevic	Final- submitted for approval
8	23 <sup>rd</sup> March 2018	Andrew Kupusarevic	Final version agreed via delegated powers
9	20 <sup>th</sup> February 2019	Nicky Thomas	Revisions Draft
10	29 <sup>th</sup> March 2019	Nicky Thomas	Agreed by Anthony Pollock

# Local Welfare Provision

## 1. Introduction

### **National Picture**

The Welfare Reform Act 2012 (the Act) ends the current provision of Community Care Grants and Crisis Loans under the Discretionary Social Fund for living expenses provided by the Department for Work and Pensions (DWP).

Since 1<sup>st</sup> April 2013, funding was transferred from the DWP to Local Authorities to provide locally designed and administered assistance to vulnerable people.

There is no statutory duty requiring local authorities to deliver a specific scheme for administering this funding. Between 2013 and 2016, scheme funding was provided by allocations granted by Government for this specific purpose. From 1st April 2016, the scheme is cash-limited to the amount of funding provided by Wokingham Borough Council from its general funds. It doesn't replace the support mechanisms and budgets that exist elsewhere within local authorities. The funding allocated for 2019/20 is £23,170.

This policy has been designed with consideration of The Human Rights Act 1998 and The Equality Act 2010

### **Local Picture**

Wokingham Borough Council (the Council) considers that it is in the best interests of the community to run a scheme. The scheme will be reviewed annually to provide the Council with an opportunity to understand, measure and respond to local demand.

This scheme will be known as the Local Welfare Provision (LWP) scheme and will apply from the date of adoption, until changed.

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 a Local Welfare Provision 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.

The responsibility for Local Welfare Provision is contained within the portfolio of the Executive Member for Finance, HR and Corporate Resources.

## 2. Statement of Objectives

Protecting the vulnerable residents of Wokingham Borough forms part of the duties and responsibilities of various council (and partner) teams. With the emergency financial provision through LWP we aim to further assist vulnerable people who may be in crisis or an emergency where financial assistance would help. It recognises that in addition to the wide spectrum of support that is available to its residents, the Council needs to be flexible in order to mitigate unforeseen circumstances that will place additional pressure on residents and the services they receive.

The LWP scheme is to stop unforeseen issues escalating into more serious or systemic problems that require a more sustained and intensive response.

A 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:

- ease severe financial pressure on families in certain situations;
- give flexible financial help to those in genuine need;
- prevent serious risk to the health, well-being or safety of the borough's most vulnerable and financially excluded residents;
- help those without the necessary means. This could include assistance to those coming in to the Borough from care or prison, or those already here, to remain in their community;
- signposting to the best organisation to assist with needs.

### **3. Policy**

#### **3.1. The Local Welfare Provision Scheme**

The Council will consider making a LWP award to applicants who meet the qualifying criteria, as specified in this policy, providing sufficient funding for this purpose is available at the time of the Council's decision. All applications will be considered on their individual merits.

The features of the Council's 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 funding decided by Wokingham Borough Council;
- 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;
- 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 in a non-discriminatory way.

#### **3.2. Applying for a Local Welfare Provision Award**

- The scheme will be advertised on the Council's website. Consideration will be given to undertaking wider publicity through other council publications and through communications with other Council Services and 3<sup>rd</sup> Sector Providers;
- An application for a 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 on their behalf. Applications can also be made by 3<sup>rd</sup> Sector Providers;

- Applications from people not meeting the minimum eligibility criteria (detailed below) will not be considered;
- The Council may request any reasonable evidence in support of an application for a LWP award. The applicant will be asked to provide the evidence and it must be provided within a timely manner of the request although this will be extended in appropriate circumstances;
- The Council reserves the right to verify any information or evidence that the applicant supplies, in appropriate circumstances, with other Wokingham Borough Council departments, government agencies and external organisations or individuals. We may also use the information for the detection/prevention of fraud. This right will be applied in a non-discriminatory way;
- If the applicant is unable to, or does not provide the required evidence (in relation to the eligibility criteria), in the time and manner requested, we may treat the application as withdrawn by the applicant and we will then be under no obligation to make a decision on the application;
- The Council is under no duty to make a LWP award. Where funds or support are available from another source we will signpost the applicant to those sources rather than make a LWP award as appropriate;
- The Council will aim to decide applications for emergency assistance within one 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 8 criteria and at least criterion A or B. References to Wokingham Borough mean the area within the Council's boundary. The applicant must:

- be aged 16 or over;
- be able to demonstrate a settled residence in Wokingham Borough or have been placed in housing outside the area by the Council or, in the case of someone leaving prison or care, be about to move into Wokingham Borough or, in the case of a homeless applicant, be able to demonstrate their last fixed residence was within the Wokingham Borough area;
- not have savings that can be relied upon to meet the need to which they are presenting;
- not be excluded from applying for public funds on the basis of immigration status;

- not have received a LWP award in the past 6 months, unless they can demonstrate, in the view of the Council, significant exceptional need;
- not have been refused a LWP award for the same need in the past 6 months, unless they can, in the view of the Council, demonstrate exceptional circumstances;
- be without sufficient resources which would in turn cause serious risk to their own, or their family's health, safety or wellbeing;
- not have received assistance for the requested funding or support from other public funds;

AND

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

or

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

These criteria can only be set aside if it is in the best interest of the council and its residents to do so. For example if the cost of paying an LWP award is less than the cost associated with alternatives that must be met by council funds such as homelessness. Only to be done with the agreement of the Team Manager or above.

### **3.4. Awarding Local Welfare Provision**

In deciding whether to make a 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 or 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 or appropriate support facilities via 3<sup>rd</sup> Sector providers;
- 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 a LWP award would alleviate the problems of the applicant;
- the possible impact on the Council of not making such an award, e.g. the applicant becoming homeless and the costs associated with this;
- any other special circumstance of which we are aware.

The Council 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.

In addition the Council may make payments to local 3<sup>rd</sup> sector providers, where those providers can supply support or services that benefit the borough's residents. Eligibility for such payments will be determined by the Council.

### **3.5. Payment of a Local Welfare Provision Award**

The Council will decide the most appropriate method of fulfilment based on the circumstances of each case. It is the preferred option of the Council not to make payments in the form of cash.

The methods may include:

- 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 or rent account;
- cash or similar method of payment in exceptional cases.

Once an award is decided, the goods or service will be delivered or payment will be made, as soon as practicably possible.

### **3.6. Notification**

The Council 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 email or SMS is used initially, details of the award will subsequently be confirmed in writing.

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

- the amount of the award;
- the purpose for which the award should be used;
- the method of payment.

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

The Council 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.

The Council 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 a 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 original LWP decision or of the written reasons being notified to the applicant.
- Where possible the Council 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, the Council 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 calendar month to respond to the request for further information. Thereafter the review will be undertaken on the information held. If the Council decides that the original decision should not be revised, we will provide full written reasons to the applicant, within ten working days.

### **3.8. Overpayments**

If the Council becomes aware that the information contained in an application for a LWP award was incorrect or that relevant information was not declared, either intentionally or otherwise, the Council may seek to recover the value of any LWP award made as a result of that application. In addition to normal recovery methods, deduction from appropriate benefits, sundry debtors invoice, county court judgement and bailiff action or outstanding LWP award overpayments may be recovered (if appropriate) from any subsequent LWP awards made to the claimant or their partner.

### **3.9. Fraud**

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

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

### **3.10. Publicity**

In addition to details being contained on the Council's website, the scheme is advertised directly to benefit claimants and to local welfare rights advisors.

Application details are set out on the Council's website or will be sent in response to any request received by email, telephone, in person or in writing.

## **4. Monitoring**

The Customer Support Team will monitor the amount and types of award made. This monitoring information will be available for management and members at any time.

## **5. Financial Implications**

Funding for 2013/14 and 2014/15 financial years was agreed and notified to the Council by the DWP in a settlement letter of 7<sup>th</sup> August 2012. Funding for both years was set at £77,213. Funding of £69,000 for 15/16 was paid as part of the governments settlement grant. Payments have always been contained within and limited to Government funding allocations. Although there has been no specific allocated funding since 2016/17, the council has decided to continue to provide funds to run its scheme from general funds. £20,000 was allocated for the provision of this in 2016/17, £23,170 for 2017/18 and 2018/19 and will continue for 19/20.

Based on previous years spend, this should be sufficient to meet the needs of the most vulnerable in the borough. No further Council funds will be added to the LWP budget.

The position will be closely monitored and reviewed regularly.

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