

Local Welfare Assistance Scheme

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1. Purpose of scheme

The purpose of this document is to outline how Luton Council will operate a 'Local Welfare Assistance Scheme' (LWA). Specifically, criteria used to determine an award, assistance offered and items / services excluded.

Each case must be treated on its own merits within the scope of this document. All applicants will receive equal and fair treatment to take account of the council's responsibilities under all relevant legislation, for example the Human Rights Act, The Children Act 1989, The Children Act 2004, Housing Act and Equality Act 2010.

The council is committed to working with the local community and voluntary sector and other interested parties to facilitate this scheme.

2. Considerations under the scheme

The council will consider making an award to applicants who meet the eligibility criteria specified in this document.

4.1 The operation of the scheme is at the council's discretion and applicants do not have an automatic right to an award.

4.2 The scheme's budget position will be taken into consideration when making an award.

4.3 This scheme is not intended to replicate or take over the responsibility of statutory agencies.

4.4 By the fact that LWA applications are determined on a similar discretionary basis, if an applicant is entitled to Housing Benefit or Council Tax Reduction and is suffering from exceptional financial hardship as a direct result of housing costs (e.g. contractual rent, Council Tax or both), an application may be treated in accordance with the council's Discretionary Housing Payment Policy and the Council Tax Exceptional Hardship Scheme.

3. Award criteria

5.1 Award consideration

An award will be considered where 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.

This may include:

- no access to essential items (food and heating);
- the imminent risk of homelessness (the council will work with its colleagues to identify any imminent risk);
- the imminent risk of children being taken into care (the council will work with its colleagues to identify any imminent risk);
- unexpected death of an immediate family member;
- domestic abuse, neglect and harm;
- a flood, fire and gas explosion;
- homelessness not supported by Luton Council's statutory obligations.

This list is not exhaustive

5.1.1 In determining the nature and complexity of the circumstances, the council will work with its colleagues and the applicant to consider:

- circumstances that place the household/immediate family members under greater pressure than might generally be associated with managing on a low income and;
 - whether an applicant, partner or immediate family member has sufficient capital or resources to meet their needs. (for the purposes of this scheme, resources refer to: savings in cash, money in banks, saving schemes, premium bonds, stocks, shares and investments in property or land)
- the individual's / household's resources and skills for coping with the crisis and;
 - what support systems are in place for dealing with an urgent crisis or care need
 - Access to other funds, grants or loans and; Whether the urgent need can be met by other sources of help or the possibility that some other person or body may wholly or partly meet the need e.g. Department for Work and Pension's Budget and Short-term Advances scheme cash advances or a budgeting loans which is the appropriate facility for applicants who have lost or spent money or are in need of money while they wait for their first benefit payment.

This list is not exhaustive

5.2 Core eligibility criteria

To be considered eligible for an award, applicants must ordinarily satisfy the following conditions:

- be aged 16 or over;
- legally resident in the UK;
- be without sufficient resources to meet an urgent need that poses a serious risk to the health and safety of the applicant or their immediate family member(s);
- if applicant is stating they are homeless, their homeless application must have been submitted to the council;
- be a resident of Luton for the past 12 months or be referred by a neighbouring borough where they have vacated their area to live in Luton, but have local ties and a tenancy agreement - exceptions may be granted where the applicant requires refuge or care following abuse, harm or an unsettled way of life.

5.3 Exclusions

The following people will ordinarily be excluded from support.

- person in hospital or care home (independent or local authority), unless their discharge is planned to take place imminently;
- person subject to immigration control by virtue of the Immigration and Asylum Act;
- prisoners and people lawfully detained;
- members of a religious order who are fully maintained by the order;
- person subject to a benefit sanction or disallowance to their Job Seekers Allowance, Employment Support Allowance, Income Support, Universal Credit, Pension Credit or equivalent welfare benefits where the sanction/disallowance is as a result of the individuals failure to act upon or to adhere with claim requests and/or conditions. For example, failing to attend a work focused interview or medical without just cause;
- person placed in Temporary Accommodation under responsibility of another borough.

- at the decision makers discretion, any person who has failed to comply with any condition attached to either a current or previous award, without good cause, irrespective of other circumstances or number of previous awards.

5.3.1 Applicants who own their own homes; who do not qualify for an income related benefits; who do not have recourse to public funds, who have been placed in Temporary Accommodation by another borough; will not automatically be excluded from this scheme (the offer of support may be limited to services provided by voluntary sector partners).

4. How to apply

6.1 All applicants will be required to complete an initial application form and supply information that validates their need, circumstances and eligibility. If necessary, applicants may be advised to seek assistance from statutory and advocacy agencies for the purpose of compiling and verifying information.

6.1.1 An application can be submitted via the following ways:

- online via the council's website at www.luton.gov.uk/lwa
- by telephone on 01582 510332 or 0800 456 1673. Lines are open Monday, Tuesday, Thursday, Friday - 9am to 5pm and Wednesday 10am to 5pm
- a referral via an advocate, agency or statutory authority acting on the applicant's behalf

6.1.2 Applications will be considered from both other internal council departments and by service providers, 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 could include the Citizens Advice Bureau, Women's Aid, Health and Social Care providers and other advocacy support agencies.

6.1.3 If an application is made on behalf of a person, that person must give their consent. This, for example, could be a carer making an application on behalf of someone leaving residential care.

6.2 In the case of an out of hour's emergency which includes requests for assistance with food or utilities:

- if a child is at risk of abuse, harm or neglect, the out of hours Emergency Duty Team on 0300 300 8123 or the Police should be contacted
- if an adult is at risk of abuse, harm or danger to themselves or others, the out of hours Emergency Duty Team Service on 0300 300 8123 or the Police should be contacted
- if there is homelessness or a risk of becoming homeless, the council's Housing Emergency call handling service on 0300 790 0342 should be contacted
- if a council tenant needs to report emergency repairs or housing problems, Emergency Repairs Service on 0800 014 7333 should be contacted

6.2.1 Before submitting an application, applicants are advised to:

- seek other sources of help to see if the need can be met wholly or partly by another body e.g. charities, benevolent funds, statutory health and social care authorities or other public bodies.
- ensure they are able to supply all necessary supporting evidence

6.2.2 The date of application is the date the Welfare Support Team receives a completed application, providing the application is on the correct form and is acceptable as sufficient in the circumstances of the case. The applicant will be contacted in writing, telephone or via email to confirm receipt of the application.

6.2.3 The priority assigned to an application will be determined by the overall risk to the applicant's or immediate family members' health and safety.

5. Decision making

7.1 Multiple information gathering processes may be carried out by a decision maker in order to reach a decision:

- in writing or by telephone - the council may contact the applicant in writing via postal correspondence, email or via telephone to: verify information provided; clarify details of the urgent need; review the factors that have triggered or maintained an urgent need; and to discuss other types of support that may be appropriate to the specified need
- an interview - If the applicant requires repetitive and/or substantive support, an interview may be required in order to carry out a comprehensive assessment of risks to health and safety. An interview provides no guarantee of an award; however, it does provide an opportunity to assess what other types of support is applicable. This may entail working with the applicant to collaboratively draw up a pathway of support
- liaison with advocacy services, agencies and statutory authorities - the council; will liaise with statutory authorities and specialist agencies to verify the substantial and imminent risks to the applicant's/immediate family members' overall health and safety.
 - in doing so, we will evaluate, based on the advice given by lead professionals, whether: the person(s) concerned have the resources to meet their own needs; the items or services applied for will contribute towards an immediate improvement on their circumstances; and whether broader support will be in place to address the causes that may underlie a crisis or care need
- contact with a visiting officer - contact with a visiting officer may be necessary where: a decision maker requires further information to verify a need / circumstance; an applicant has a complex range of needs and an assessment needs to be carried out to determine the risks to their health and safety; or the applicant has a mental or physical impairment and requires assistance to make an application

7.2 If it is seen as reasonable, an applicant may be given a condition to the award such as training or further advice and support.

7.3 If an applicant has provided insufficient information, an opportunity may be granted to correct any errors or supply additional information, if deemed reasonable to do so. A request for further information could be made in writing, by telephone or via an agency acting as an appointee.

7.4 On continuously reviewing the applicant's circumstances, case details and eligibility; the decision maker may reject an application on the basis that:

- the urgent need can be met by other sources of help or the applicant has failed to demonstrate how they have sought to address their need through other types of assistance
- the applicant is deemed to have sufficient resources to meet the urgent need
- following the date the crisis or care need had arisen, the circumstances of the applicant or their family members' have changed in such a way that they no longer satisfy the criteria for an award
- the application is deemed to be fraudulent [see section 11]
- insufficient information is provided to verify the applicant's need, circumstances and eligibility within the provided timeframe

- the operation of the scheme is at the council's discretion and applicants do not have an automatic right to an award

7.5 The council reserves the right to reject applications at any stage of the assessment.

7.6 In the event of an unsuccessful application the decision will be clearly explained to the applicant and they will be signposted to alternative support where applicable.

6. Notification of award

8.1 Applicants will be notified of their decision either in writing via postal correspondence or email or via telephone (a copy of the decision can be sent if requested).

8.2 The reasons for a decision will be explained as well as the options available to the applicant.

8.3 A decision to award may be conditional upon the applicant agreeing or meeting certain requirements to prevent the risks associated with the crisis or care need reoccurring or becoming intractable. 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.

8.4 Should an applicant be unsuccessful, they can ask for their decision to be reconsidered if there is reasonable grounds to do so [see section 8].

7. Provision of awards

9.1 The Local Welfare Assistance Scheme is a cashless scheme.

9.2 Awards will be made taking into consideration resources available to the council and its partners.

9.3 Forms of support may include:

- pre-paid voucher/card, sent to the applicant via sms text message/email which can be redeemed online and used at a store/service provider
- pre-paid voucher/card, sent to the applicant via post or that can be collected at the council and which can be redeemed at a store/service provider
- referral to partner organisations, such as Luton Food Bank who can provide support on behalf of the council

9.4 Multiple applications:

- ordinarily no more than 3 awards in any rolling 12-month period will be made
- decision makers will take into account previous applications, awards and available council resources when determining subsequent applications and the method of support offered

9.5 Depending on the applicants' circumstances, awards may be made to:

- the applicant
- their partner or immediate family member acting as an appointee
- an advocate service or statutory authority acting on behalf of the applicant

8. Other forms of support

10.1 While we cannot guarantee an award, we will however offer applicants relevant sources of information, advice and guidance. This is because we have a duty of care to ensure people in crisis or in need of community care can get access to support that will safeguard against risks to their health and safety.

10.2 With the applicant's permission, we will undertake an assessment of their immediate and additional household's needs to identify other relevant sources of support.

This support, for example, could include:

- help to maximise income e.g. benefit and entitlement checks
- access to help on dealing with money worries and debt
- employment support – help to find job opportunities, calculate the benefits of being in employment, submit job application forms and prepare for interviews.
- childcare support – finding local children's Sure Start Centre
- referrals to specialist advocacy services
- referrals to specialist health programmes

10.3 In certain circumstances, an award may be conditional upon the applicant agreeing to access other sources of support facilitated by this scheme. By itself, an award may be insufficient to meet an applicant's whole needs. If additional support is thought necessary, we will explain our reasons why, along with how this support will be beneficial.

9. Right to seek a reconsideration

11.1 If an applicant disagrees with a decision made, they can ask for the decision to be reconsidered. They can request this if;

- they think an error has been made or important evidence hasn't been taken into consideration
- new information and evidence to support their application can be provided

11.2 Reconsideration requests must be made to the council in writing by email or post or any other format agreed by the council to:

email lcass@luton.gov.uk

address Welfare Support Team,
Luton Council,
Town Hall,
Upper George Street,
Luton
LU1 2BQ

11.3 The request for a Reconsideration must be made within 7 days of receipt of the decision made by the decision maker.

The outcome of a reconsideration request shall be final.

10. Appeals and complaints

12.1 There will be no appeal rights.

12.2 Should the applicant wish to make a complaint, they may do so following the council's [corporate complaint policy](#).

12.3 Should the applicant remain dissatisfied with the complaints process, they have the right to contact the Local Government Ombudsman.

11. Monitoring and audit

13.1 To ensure transparency and consistency, there will be regular monitoring of applications and general cases. 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. This means that steps will be taken to monitor implementation of this policy 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 specified in the equalities act and other relevant legislation.
- 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.
- 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](#). (see section 9)

13.2 All personal information disclosed by the applicant will be treated with the strictest confidentiality in accordance with the Data Protection Act. The council are committed to protecting the applicant's privacy and further information can be found in the council's [Privacy Notice](#).

12. Fraud

The council is committed to the fight against fraud in all its forms. An applicant who tries to fraudulently claim a grant 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. Recovery of an award

Luton Council reserves the right to recover any award made under this scheme. In the event of an individual wishing to repay all or part of their award, the council may take one of the following actions:

- accept the payment and reallocate to the scheme
- advise the applicant to make a donation to a local charity of their choice
- refuse the payment

14. Communications

16.1 The council will publicise the scheme and work with all interested parties to achieve this. The scheme will be publicised on the council's website and the council will ensure that key local agencies, front line staff, community and voluntary sector organisations and other organisations are aware of how the scheme works.

16.2 All written correspondence should be sent to:

email lcass@luton.gov.uk

address Welfare Support Team,
Luton Council,
Town Hall,
Upper George Street,
Luton
LU1 2BQ