

Gateshead Council Local Discretionary Payments Scheme

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Local Discretionary Payments Scheme

1. Purpose

- 1.1 The purpose of this document is to outline how Gateshead Council will:
- Operate a 'Local Discretionary Payments' scheme
 - Criteria used to decide an award
 - How the award will be made
 - Further assistance offered
 - Exclusions
- 1.2 Each case will be treated on its own merits within the scope of this guidance. 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 1998 and The Equality Act 2010.
- 1.2 Gateshead Council is committed to working with the local community and voluntary sector, and other interested parties to facilitate this scheme.

2. Considerations for an Award

- 2.1 Gateshead Council will consider making an award to applicants who meet the eligibility criteria specified in this document. The operation of the scheme is at the Council's discretion and applicants do not have an automatic right to an award. Awards will only be made where sufficient financial resources are available within the Council to ensure that the Council retains the means to assist those most in need at any time throughout the financial year.
- 2.1.2 As a general principle, cash awards will not be made. Awards will not be made when a need arises owing to:
- lost or stolen money (*with or without a crime number*)
 - cash advances for benefit payments
 - benefit spent and
 - lost income through benefit sanctions or disallowances.
- 2.1.3 This scheme is not intended to replicate or take over the responsibility of statutory agencies nor is it intended to replicate the previous provisions provided for by Department for Work and Pensions (DWP) to 31/3/13.
- 2.1.4 Applicants will be restricted to no more than 2 applications within a rolling 12 month period, commencing from the date their last application was received.
- 2.2 **Where a person is in 'Crisis' - Crisis Awards**
- 2.2.1 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 and where a household has insufficient resources to meet an urgent need that poses an immediate and substantial risk to their health and safety.
- 2.2.2 Crisis awards are not intended to satisfy or meet every need which results from a household crisis situation.

- 2.2.3 Where a crisis exists and the household meets all other criteria in this policy, the Council will provide the following support only:
- Access to essential items such as food and heating
 - Signposting to other services and organisations
- 2.2.4 What doesn't count as a crisis:
- Lost, stolen or spent money
 - Problems accessing capital that is not realisable
 - Reduced income due to benefit disallowance or sanctions
 - Continued struggle to maintain subsistence
- 2.2.5 In determining the nature and complexity of the crisis, the Council will consider:
- Circumstances that place the household or immediate family members under greater pressure than might generally be associated with managing on a low income;
 - It does not matter whether it is 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 point the crisis occurred and the date the application was received in relation to the number and type of associated incidences happening within this period; and
- 2.2.6 The Council will also take into account 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;
 - would not abate without immediate support;
 - is the consequence of an act or omission for which the applicant or partner is responsible; and the applicant or partner could have taken reasonable steps to avoid.
- 2.2.7 Unless there are exceptional circumstances, applications from single people living with family members will not be awarded help under the scheme.

3. Claiming an Award

3.1 Core Eligibility Criteria

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

- Be aged 16 or over.
- 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).
- A resident of (*and tenant/owner occupier*) in Gateshead
- Legally resident in the UK

3.2 Exclusions

- 3.2.1 The following people are excluded from support in all circumstances:
- A person in hospital or care home (independent or local authority), unless their discharge is planned to take place imminently

- A person subject to immigration control by virtue of the Immigration and Asylum Act
- A person or immediate family member that has made 2 applications within a rolling 12 month period, commencing from the date their last application was received *or where it may be evidenced by repetition that a crisis situation is ongoing and a maintenance situation rather than a crisis.* Exemptions may be granted for applicants with an urgent need, that if unaddressed, will pose a substantial risk to their health and safety. In such cases, the applicant may be required to attend a face to face interview.
- Prisoners and people lawfully detained, including 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 also excluded from support, except in very exceptional circumstances:

- Full-time or part-time students not on Income Support, Income Based Job Seekers Allowance, Income Related Employment Support Allowance, Pension Credit (including payments on account) or equivalent welfare benefits (e.g. the Universal Credit equivalent to existing benefits) – they can only receive support for expenses arising out of a disaster.
- A person from abroad who fails or would fail the habitual residence test for the purpose of welfare benefits and other entitlements.
- A person subject to benefit sanction or disallowance to their Job Seekers Allowance, Employment Support Allowance, Income Support, Universal Credit, Pension Credit or equivalent welfare benefits.

3.3 Household Resources

- 3.3.1 An award will not be made where the applicant, partner or immediate family member has sufficient capital resources to meet their needs. For the purposes of this scheme, capital resources refer to savings in cash, money in banks, saving schemes, premium bonds, stocks, shares and investments in property or land.
- 3.3.2 Any application for support must be accompanied by the applicants express permission to allow the Council to check and consider other relevant sources of information held by the council on their financial circumstances.

3.4 DWP Budget Advances, Short term Advances and Universal Credit advance payments

- 3.4.1 Under the following circumstances, applications will not be considered and the applicant should apply to the Department for Work and Pensions Budget and Short-term Advances scheme or for an advance payment of Universal Credit in the first instance:
- If an applicant makes or is about to make a new benefit claim and encounters a period of financial need before receiving their first payment of benefit; or
 - If an applicant is claiming an income related benefit or Universal Credit and requires living expenses for emergency or unforeseen expenses

It is only when the applicant is refused a budget / short term advance/ Universal credit advance payment that an application for Gateshead Council's Local Discretionary Payment Scheme will be considered.

3.5 How to Apply

- 3.5.1 All applicants will be required to complete an initial application (in the prescribed form) and supply information that validates their need, circumstances and eligibility in accordance with this scheme.

If necessary, applicants may be advised to seek assistance from statutory and advocacy agencies for the purpose of compiling and verifying information.

- 3.5.2 An application can be submitted via the following ways:
- Online application form www.gateshead.gov.uk/benefits
 - By telephone 0191 433 3676/ 0191 433 3876
 - By post to (or hand delivery to): Local Discretionary Payments, Finance & ICT Services, Gateshead Council, Civic Centre, Regent Street, Gateshead. NE8 1HH

Provision for applicants to be assisted to make a claim in person is in exceptional circumstances only.

- 3.5.3 The Council will consider applications submitted by service providers/advocates/agencies, 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, Age UK, Health and Social Care providers and other advocacy support agencies.

- 3.5.4 If an application is made on behalf of a person, other than the person concerned, that person must give their consent in writing. This, for example, could be a carer making an application on behalf of someone leaving residential care.

- 3.5.5 All applications will be processed by the Local Discretionary Payments Team, Corporate Resources, Regent Street, Gateshead. NE8 1HH between the hours of 9.00am – 4.30pm, Monday to Thursday and 9.00am – 3.00pm Friday. The Council do not guarantee that a decision will be made, or an award made, on the day an application is submitted, and all applications will be dealt with as soon as is reasonably practicable within 3 working days.

- 3.5.6 In the case of an emergency check the Council website www.gateshead.gov.uk or try one of the following:
- If a child is at risk of abuse, harm or neglect, please contact the out of hours Emergency Duty team on (0191) 433 7033 or contact the Police by telephoning 999;
 - If an adult is at risk of abuse, harm or danger to themselves or others, please contact the out of hours Adult Social Care Direct on (0191) 433 7033 or contact the Police by telephoning 999;
 - For non-emergency Police matters telephone 101
 - If you are homeless or think that you are at risk of becoming homeless call Gateshead Housing Options Team on **0800 923 995** or **0191 433 3174**

- If you are a council tenant and need to report emergency repairs or housing problems, please telephone the **Home Repairs** service on **0800 408 6008**.

3.5.7 Before submitting an application, applicants are advised to:

- Seek other sources of help to see if the need cannot be met wholly or partly by another body e.g. charities, benevolent funds, statutory health and social care authorities or other public bodies.
- Read Gateshead Council's scheme for Local Discretionary Payments or get advice from an advocacy service to determine their eligibility. A copy of the scheme is available on line or on request.
- Ensure they are able to supply all necessary supporting evidence

3.5.8 The date of application is the date the Local Discretionary Payments Team receives a completed application, provided the application is in the correct form, is fully completed with supporting documentation and is acceptable as sufficient in the circumstances of the case.

3.5.9 The priority assigned to an application will be determined by the overall risk to the applicants or immediate family member's health and safety. Applicants are advised to wait until they are contacted by an assessor before making further enquiries.

3.6 Decision Making

3.6.1 A number of information gathering processes may be carried out by an assessor to reach a decision:

- (i) Telephone – The Council may contact the applicant via telephone to:
- verify information provided;
 - clarify details of the crisis or need;
 - review the factors that have triggered or maintained an urgent need;
 - discuss other types of support that may be appropriate to the specified need.

- (iii) Liaison with advocacy services, agencies and statutory authorities – The Council may need to liaise with statutory authorities and specialist agencies to verify the substantial and imminent risks to the applicants / immediate family members overall health and safety. In doing so, the Council 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 need.

3.6.2 On reviewing the applicant's circumstances, case details and eligibility, an assessor may reject an application on the basis that:

- There is insufficient funding available to provide an award on that occasion.

- 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 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 applicant has made more than 2 applications within a rolling 12 month period, commencing from the date their last application was received. Exemptions may be granted in exceptional circumstances.
- The crisis defined is a repeat occurrence so that whilst within the allowable framework as detailed above, may highlight a maintenance concern rather than an incident or crisis
- The applicant is deemed to not meet the considerations for award set out in section 2
- The application is deemed to be fraudulent [see section 7]
- Insufficient information is provided to verify the applicants need, circumstances and eligibility.

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

3.6.3 In reaching a decision, an assessor may conclude:

- An application be rejected for the reasons outlined in section 3.6.2
- A partial award is made owing to the fact that not all of the requested items will directly reduce the health and safety risks associated with the applicants circumstances.
- An award is made in full for the items requested on the premise of the applicant satisfying all of the criteria and conditions set out in this scheme.
- Not all qualifying applications can be paid as this scheme has a cash limited budget. A decision will take account of monthly budget positions, demand patterns and resource levels.

3.6.4 Gateshead Council reserves the right to reject applications at any stage of the assessment process.

4 Awards

4.1 Method of Award

4.1.1 An award may be in the form of:

- Direct supply of goods
- A pre-paid card, which the applicant can use to purchase the agreed items/goods/service.
- Referral and recommendation for the required items to be provided by a voluntary or other agency directly.
- A voucher or referral to access the Gateshead Food Bank

- Any other method deemed suitable by Gateshead Council to satisfy the need applied for.

No direct cash awards will be made (except in very exceptional circumstances).

- 4.1.2 Depending on 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 applicant.
- 4.1.3 Arrangements through third parties may be helpful where the applicant has an illness or disability that impairs their ability to make a transaction or receive a delivery for the agreed item.
- 4.1.4 The Council's terms and conditions for Local Discretionary Payment scheme awards will apply.
- 4.1.5. There may be a requirement to repay the amount awarded in part or in full via the Council or the applicant may be required to repay the monetary value of an award via a local credit union. Where an award is required to be repaid via a local credit union, terms and conditions will apply.

4.2 Notification

- 4.2.1 Applicants will be notified of their decision either in writing or via telephone (and followed up in writing). The notification will include the following information:
- The reasons for a decision
 - Any other options available to the applicant
 - How the award will be made
 - The information used to reach the decision
 - Any conditions placed on the award (such as repayment of the amount granted, certain conditions to prevent the crisis or need re-occurring)
 - Your right to a revision of the decision if there are reasonable grounds to do so

5 The right to seek a Review

5.1 Reviews

A Review of any decision can be requested using the procedure below:

- 5.1.1 An applicant (or their appointee or agent) who disagrees with a decision may request a right to seek a review. An applicant can ask for a review if they can:
- Demonstrate there has been a factual error in the decision made,
 - There has been an oversight on a significant piece of evidence or
 - New evidence has come to light which was not provided with the original application.

In these circumstances, the applicant must provide the relevant details. Such review requests must be made in writing to:

Local Discretionary Payments Team, Gateshead Council, Finance & ICT Services, Civic Centre, Regent Street, Gateshead. NE8 1HH

within one calendar month of the decision being issued.

- 5.1.2 The decision will be reviewed by a senior officer who is independent of the initial decision and a decision made within one calendar month of the request for a review being made, or as soon as is reasonably practicable.
- 5.1.3 There is no right to seek a review where the decision not to award was based on lack of available funds by which to make an award however a further application in the future will be considered.
- 5.1.4 There shall be no right to a review where the application is in respect of the same purpose as a previous application that was rejected and was the subject of an unsuccessful review, and the application is rejected for the same reason.
- 5.1.5 The outcome of a review shall be final and there shall be no further right to request a review or appeal against a decision.

6 Monitoring / Audit of the Scheme

- 6.1 To ensure transparency and consistency, the Council will monitor applications, items of spend and need 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 when making a decision under the scheme, 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 Equality 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.

7 Fraud

Gateshead Council is committed to the fight against fraud in all its forms. An applicant who tries to fraudulently claim an award by falsely declaring their circumstances, providing a false statement or false 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.

8 Other forms of Support

- 8.1 While we cannot guarantee an award will be made in all circumstances, we will signpost applicants to other relevant sources of information, advice and guidance. This is because we have a duty of care to ensure people in crisis can get access to support that will safeguard against risks to their health and safety.
- 8.2 This support could include:
- Help to maximise income e.g. benefit and entitlement checks

- Access to help on dealing with money worries and debt
 - Employment Support – access to support to help you to find job opportunities, calculate the benefits of being in employment, submit job application forms and prepare for interviews.
- 8.3 The relationship between the applicant and the Council will be underpinned by our core values of open, honest, approachable and keeping our promises.
- 8.4 All personal information disclosed by the applicant will be treated with the strictest confidentiality in accordance with the Data Protection Act and the General Data Protection Regulations.

9 Communications

- 9.1 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 are aware of how the scheme works.
- 9.2 All written correspondence should be sent to:

Local Discretionary Payments Team, Gateshead Council, Finance & ICT Services, Civic Centre, Regent Street, Gateshead. NE8 1HH