



# Cheshire West and Chester

## **Help in Emergencies for Local People (HELP) Policy**

### **1.1 Introduction**

HELP is a discretionary scheme which offers support for exceptional needs. It can also provide limited payments for emergency funding in a crisis, or to help people moving out of care.

The Local Authority will decide whether support is warranted and whether an award should be made to supplement the support it provides or commissions. Any payments made are conditional upon the acceptance of any support which Cheshire West and Chester Council (CW&C) deems to be necessary.

The council provides a fixed sum for funding, and this will be the limit of the total awards each year. Funding will be made on a one-off basis and will be restricted to one payment per 12 month period, unless the Local Authority decides otherwise.

Support will be ongoing and long term to ensure that problems can aim to be fully resolved. Any savings or alternative funding will be taken into consideration and will reduce any award made.

Our priority is to help people who are householders in the Cheshire West and Chester area. Budgets are limited and this fund will be prioritised to protect the most vulnerable. An application for HELP will be treated as a request for support, which may be given regardless of any payment due or available to the individual. HELP payments will only be made as a last resort, after all other funding streams are exhausted. Any funds which are available to the applicant will be taken into account including any potential to borrow money, including borrowing against capital assets such as property, where the council consider this to be a reasonable alternative.

This policy will provide guidance on the administration of the scheme. Notwithstanding this, CW&C will have an overriding discretion over all applications to refuse or grant an award.

This fund will be administered by the Benefit team.

## **1.2 Main features of the scheme**

Although the scheme will be administered at the discretion of CW&C, there are some key principles as to how it will be implemented.

- The scheme is discretionary, and there is no statutory right to payment.
- There is no right of appeal to an Independent Tribunal. However, there is a dispute process listed in this policy.
- CW&C are not under any obligation to provide a scheme
- Each award will have regard to the budget. When the budget is exhausted no further payments will be made. Budgets will be projected forward and will be managed on a monthly basis.
- Awards are normally only made to those deemed vulnerable in accordance with this policy. However, even if this is the case CW&C have an overriding discretion to refuse an award. This will be linked to budget restrictions and any other conditionality in this policy.
- Any payments made will be conditional upon a written agreement from the individual who is making the application, agreeing to the support which is offered.
- Support may include help with housing, debts, disability or mental health needs, mortgage arrears, loan sharks, addiction, or employment and training support.
- If an individual refuses to accept support, payments will not be considered (unless alternative support is in place, which CW&C considers adequate to meet their needs).
- If an applicant signs to accept support but fails to do so, CW&C reserves the right to recover any payments made in full.
- Cheshire West and Chester may ask for a payment to be repaid where it considers that it is appropriate to do so. This may be considered, for example, where there is a short-term crisis, and funds are due imminently.
- Individuals should be resident in the Cheshire West and Chester area or have an intention to settle in the area. However, in exceptional cases an award may be considered for applicants who are not resident. This will normally be in emergency situations for example only where the applicant is stranded away from home and has no means to return.

## **1.3 Eligibility Criteria**

The scheme is open to vulnerable individuals who are in receipt of, or awaiting to hear about a claim for, Housing Benefit, Council Tax Reduction, Pension Credit (Guaranteed) or Universal Credit. Priority will be given to applicants who are householders, and resident in the Cheshire West and Chester area.

Applicants who are being supported by our Housing Options team do not have to be receiving these means tested benefits to apply, as assurance to eligibility is provided by the Housing Options Team.

Furthermore, applicants who do not qualify for benefits but have recourse to public funds and satisfy the tests under the Social Security Persons from Abroad legislation may qualify.

However, in most cases, only individuals who are defined or considered to be “vulnerable” in accordance with this policy may be entitled to payment and/or support, subject to their income and capital.

Payments will be limited to a single award in any 12-month period unless CW&C decides otherwise (this will include any awards made by other local authorities or the Department for Work and Pensions). Any individual who has received a payment within 12 months of the date of their claim from Cheshire West and Chester or any other council will not normally qualify for another payment.

CWAC have defined “Vulnerable” for the purposes of the scheme as an individual who is:

- Physically and/or mentally impaired and in receipt of the severe or enhanced disability premiums
- In receipt of the middle or high rate of Disability Living Allowance (either Care or Mobility component) or the enhanced rate of Personal Independence Payments (either Daily Living or Mobility component).
- In receipt of the Limited Capability to Work element of Universal Credit
- Registered blind
- Has a mental impairment exemption for council tax.
- The qualifying age for state pension credit
- Terminally ill
- Individuals who have a dependent child living with them on a permanent basis and the carer of that child qualifies for child benefit.
- Individuals who are pregnant
- Individuals who are carers
- Young people aged 16 to 18
- People who are leaving care or any other type of supported provision.
- Care Leavers below the age of 25 who are supported by Cheshire West and Chester Council, either living in the CWAC area or within another Local Authority. The Care Leavers grant will be disregarded, and any other income and expenditure may be disregarded.

In addition, prisoners on discharge from prison will also be entitled to help in setting up home only, providing they meet the other criteria and accept the support available.

*The Local Authority may also deem any other applicant as vulnerable due to their individual circumstances but will only do so in rare and exceptional cases.*

With effect from 06 April 2016, changes have been made within the Administration Act 1971 in relation to regulating the entry into and stay of persons in the United Kingdom. Local Welfare Assistance is classed under the definition of Public Funds. This includes any discretionary payment made by a Local Authority under Section 1 of the Localism Act 2011 (and associated acts in Scotland and Northern Ireland).

## **1.4 Objectives**

Each application will be treated fairly and on its own merits in accordance with this policy. The overall rationale of the HELP scheme is to

- Support people who are vulnerable with their immediate hardship needs, enabling them to live an independent life and to complement (but not replace) other specialist care support provided by CW&C.
- Identify and resolve long term problems which may be causing immediate hardship
- Prevent short term hardship
- Encourage and facilitate people to return to work whenever possible
- Prevent homelessness
- Help to alleviate debt and encourage better money management
- Keep families together
- Prevent chaotic and offensive behaviour
- Help those who are trying to help themselves
- Support vulnerable people
- Build on the values of the Altogether Better Programme
- Help people through personal crises and unforeseeable events
- To reduce benefit dependency if possible

We will aim to visit individuals who claim for help under this scheme unless we know that they already have support in place through a recognised agency.

The conditions attached to a payment will be specific to each individual, and will help them to move into a better financial position, improving their situation whilst reducing reliance on state support, whenever possible. Recommendations for payments will be made where the criteria are satisfied, and the individual is working with us to achieve this aim.

When determining eligibility, we will work with partners such as other local authorities, Housing Solutions, prisons, Adult Social Care teams, the Citizens Advice Bureau and other support providers.

## **1.5 Making a claim**

An individual can make an application for support if they are in an emergency or crisis or are leaving care and need help in setting up home. They must satisfy the conditions of the scheme and must be considered to be vulnerable as defined within the policy.

Applications can be made using the HELP application form, which should be sent directly to the council. Claims can also be made online or by telephone.

Applicants will be asked questions to establish whether they satisfy the criteria and are vulnerable, whether any funds are available to them, and to identify support which is already in place. Any other funds which are available should be accessed before an application is made. This may include personal funds or borrowings, charitable or public funding.

In most cases, CW&C will either hold the supporting evidence required to determine eligibility and if an award should be made, or be able to obtain this via Searchlight, however in some cases the council may require further information. The request for information can be made prior to the processing of a claim, or proof of any purchases can be requested following payment.

There may be occasions where evidence of the following will be required:

- National Insurance Number
- Identity, benefits, other income and capital
- Residence
- Proof of the crisis
- Proof of expenditure
- Any other evidence that CW&C requires to support the application

Any evidence requested should be provided within one calendar month of the request. Claims will be closed if supporting information requested is not provided within one calendar month.

All customer queries in relation to HELP are dealt with by the HELP Team. Customer Service staff will direct applicants to computers or telephones to talk directly to the staff who will deal with applications.

Welfare Visiting Officers can visit customers at home to establish what support is required, to check whether there is a genuine need and to look for solutions. They will provide support, and will check receipts for any purchases, to confirm that the crisis or need has been dealt with effectively. It may not be necessary for Visiting Officers to become involved if another professional organisation is providing ongoing support or where it is clear that the problem has been resolved.

Staff will refuse to speak to applicants who are uncivil or aggressive towards them, and there will be an automatic refusal in these cases regardless of hardship or need. This is on the basis that these applicants will not accept the HELP offered and will put frontline staff at risk.

## **1.6 Awarding and making a payment**

In deciding whether to provide support under the HELP scheme and the amount of any payment awarded, CW&C will consider;

- Any other awards which could be claimed first
- Whether the applicant is co-operative and will accept HELP
- Whether the applicant is vulnerable
- The amount of any remaining budget at the time of the award and other priority demands on the budget
- The financial circumstances of the applicant and their family (including any savings or benefits which could be used to contribute towards the costs)

- The impact on other services within CW&C if a payment is not awarded (e.g. Housing Solutions)
- Any steps already taken, or that can be taken in the future by the applicant to alleviate the problem or crisis
- Whether the applicant has contributed towards the crisis or emergency
- Potential violence or abuse that the family unit is likely to be subject to
- If the customer has applied before, new applicants will be given priority
- Any risks associated with refusal.
- What the problem is and whether payment will resolve the problem
- Whether external help is required.
- Whether the payment will help the applicant to move into work

Although all risks will be considered, the Council cannot be held responsible and will not make a payment based on threats made by applicants, either to self harm or to harm others, but will instead refer these to the appropriate specialist authorities who will be better able to provide support and will always refuse the claim.

Where possible, decisions will normally be made within 14 days of the HELP application; however, the team will endeavour to make their decision as quickly as possible. Payment and support, however, cannot be guaranteed on the day of an emergency - particularly when evidence is required, support is needed or at times of high volumes or low staffing.

Cash support will only be considered in exceptional circumstances and is at the discretion of the authority, with preference given to other non-cash-based support such as foodbank vouchers, energy vouchers, furniture and white goods.

Payments will be made to third party suppliers of services rather than the applicant whenever possible.

The council reserves the right to stipulate where the lowest priced goods can be obtained, and any award will be limited to that value.

There will be liaison with local suppliers for the provision of furniture, white goods, essential household items and food as outlined above. In addition, any vouchers issued will be using a discreet plastic card, thus eliminating any perceived stigma attached to receipt of the award.

The most appropriate method of payment will be made, and this will be determined by the circumstances relating to the application.

## **1.7 Notification**

After a decision has been made on a HELP application the claimant will be advised as is most appropriate to the individual –either verbally, in writing, by telephone, by messaging service or in person via video link only.

For emergency payments all claimants will be notified verbally, provided that we have a contact telephone number. If their application is successful, they will be given an explanation of how they will be paid.

If an application is unsuccessful, they will be advised of the decision and the reason why this was unsuccessful.

The notification letter will provide details of the award, whether or not this was successful, how it will be paid, and to whom. It will outline the applicant's responsibilities and the terms by which a payment has been agreed, along with any responsibilities they have. It will advise them that they will have to repay the amount in full if they do not abide by the agreed terms of the payment.

Furthermore, the letter will confirm that they cannot have another payment within any 12 month period and will give information on the dispute process detailed in this policy.

### **1.8 Dispute process**

The scheme is discretionary and there is no legislative right of appeal. A claimant may request a review if they disagree with the award. However, there is no right to a review if the HELP payment has been refused because:

- The HELP budget is exhausted. Funds will be monitored on a monthly basis and will be declined if the monthly limit is reached.
- The customer has applied within the previous 12 months and has been awarded a payment (by CW&C, the DWP or any other Local Authority)
- They do not fall into a vulnerable group
- The customer fails to accept the support which is being offered to them to supplement the payment.

A request for a review must be made in writing within one calendar month of the HELP decision notification. The request should include details of why the customer considers that the decision should be revised, but if they are for the reasons listed above the review will not be considered.

The request will be reviewed by a more senior officer who will confirm the outcome of the review in writing, usually within one calendar month of the request being received.

The decision is final and binding although any complaints regarding the way the application process has been dealt with should be made in writing to Cheshire West and Chester Council's corporate complaints team by using the attached web link or mailing address:

To submit a comment, compliment or complaint:

<https://cheshirewestandchester.gov.uk/residents/contact-us/complaints-and-feedback/comment-complain.aspx>

Customer Relations  
Cheshire West and Chester Council  
(Floor 2, HQ)  
4 Civic Way  
Ellesmere Port  
CH65 0BE

## **1.9 Overpayments and Fraud**

If payments are made under the HELP scheme, CW&C will seek to recover any payments made to them which were paid incorrectly. This could be on the basis that an applicant misrepresented or failed to disclose a material fact, or if an error is made by CW&C or the applicant when the claim was determined.

Any decision to recover an overpayment made under the HELP scheme will be notified in writing and will include details of the dispute process.

Overpayments will not be recovered from ongoing awards of Housing Benefit or under the Council Tax Reduction Scheme.

If an application is found to be fraudulent this will be investigated and could result in prosecution.

## **2.0 Publicity and Take Up**

CW&C will endeavour to maximise support under the HELP scheme, for those customers who are most vulnerable.

A leaflet will be available to inform customers about the scheme. This will be available on the CW&C website and available in all CW&C offices.

Distribution of the leaflets will be made to all partners including the Citizens Advice Bureau, Housing Solutions, Registered Social Landlords, and any other applicable groups.

All customer facing and telephone staff will receive training and guidance in order to give advice and promote the HELP scheme.

## **2.1 Data Sharing**

Data will be shared internally within the council and externally with other councils and public bodies to prevent fraud and in particular to prevent duplicate claims being made. This will adhere to the principles of The Data Protection Act 1998

## **3.0 Policy Review**



A review of this policy will be completed annually. However, the policy can be reviewed at any time if there are legislative or operational changes.