



Discretionary Financial Assistance Policy

April 2019

V1.1

Current Document Status

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Responsible officer	Ian Stephens Head of Revenues and Assessment	Review date	January 2020
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Version History

Date	Version	Author/Editor	Comments
17.1.2018	0.1 first draft	Mark Ransom	First draft for internal comment and review.
26.3.2018	0.2 second draft	Mark Ransom	Second draft following internal comment and review
1.4.2018	1.0 final draft	Mark Ransom	Final draft
1.4.2019	1.1 updated	Mark Ransom	Reviewed for 2019/20, no change

Equality Impact Assessment Record

Date	Type of assessment conducted	Stage/level completed (where applicable)	Summary of actions taken decisions made	Completed by	Impact Assessment review date
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Document retention

Document retention period	E.g. 5 years in hard and electronic copies.
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Summary

The Cornwall Council Discretionary Financial Assistance Policy (DFA) brings together three different funding streams:

1. Discretionary Housing Payments (DHP)
2. Local Welfare Provision known as the Cornwall Council Crisis and Care award scheme (CCA)
3. Exceptional Relief Council Tax Reduction awards (ER)

This policy will be circulated to relevant Council services including Cornwall Housing Ltd, Children Families & Adults and Adult Social Care. A more detailed communication strategy is shown at Appendix 1.

Cornwall Council's DFA policy will be delivered through the Revenues and Assessment arm of Customer Access and Digital Services.

Background

Cornwall Council's DFA policy brings together three different funding streams and associated policies into one streamlined policy document. The scope and objectives of the previous individual policies remain unchanged. However, residents should not need to know which scheme they need to approach and instead have a single gateway to housing related financial discretionary awards.

To support this revised approach, a review of the current application forms will be undertaken with a view to providing one, intelligent, DFA application route.

Objectives

Many of the welfare reforms introduced since 2013, when combined, can have a disproportionate impact on some households. This policy looks to offer assistance to those residents who for legitimate reasons are unable to adapt their circumstances to avoid or reduce the impacts of these reforms, for example due to sickness, disability or caring responsibilities.

Cornwall Council's DFA policy aims to:

- Combine existing funds creating a single point of contact which will allow for efficiencies and ensure that the right help is given to the right people. This help may not just be financial but could include wider support interventions.

- Help individuals live as independently as possible and offer support when needed e.g. keeping people in their homes and helping to find suitable sustainable accommodation.
- Prevent homelessness.
- Assist in the health and wellbeing of our residents.
- Work with residents to find long term solutions to their issues and signpost to relevant organisations either internally or externally. There will be an expectation that applicants will engage with the Council and its partners to find long term solutions to their personal and financial issues.
- Support households to enter or remain in employment.
- Provide a proactive as well as reactive service for residents which is simple, quick and easy to access.
- Provide awards rather than loans to reduce financial pressure on households.
- Support care leavers up to the age of 25 in the transition to independent living. A specific local scheme has been put in place to exempt care leavers from paying Council Tax – see Appendix 2 for further details.

Scope

Applicants do not have an automatic right to an award. The decision whether or not to make an award is entirely at the Council's discretion.

Each case will be treated on its own merits having regard to relevant legislation, guidance issued by the Department for Work and Pensions, the budget position of the internally funded schemes and the Council's duty to the public purse.

Assessments are approached in two ways:

1. Using a true financial assessment of income and essential outgoings to establish if:
 - a. There is a need for additional financial support; and
 - b. That the support will enable the applicant to reach a long term solution that is not reliant on discretionary awards or is the only viable long term solution.

or

2. An assessment of need to help an applicant meet immediate short-term needs in an emergency or as a consequence of a disaster or to meet longer term care needs.

Awards will not be made where any of the following apply:

- the situation can be resolved by some other legitimate means,

- the applicant is excluded from receiving welfare benefits on the basis of immigration status,
- the situation arose as a result of benefit fraud,
- the Council deems that the person has been culpably neglectful in relation to their circumstances,
- the need would normally be met through the receipt of other benefits or sources of income,
- the Council deems that an award is unlikely to assist in providing a significant and sustainable reduction in one of the risks set out in the objectives of this policy.

Due to limited finances and to ensure that awards benefit local communities in Cornwall, CCA awards will only be considered if;

- The applicant is able to demonstrate a local connection to Cornwall and this usually means having been resident in the county for the past 12 months. The local connection criteria may be waived in certain exceptional circumstances, for example where someone is fleeing domestic violence.
- A person has not received more than £1500 through the CCA scheme in the last 12 months.

In exceptional situations, an award may be made where the policy's eligibility criterion is not met but an award would comply with the DFA policy's overall aims and are within legislation.

Policy Details

Applications - Applications may be made at any time. The Council will aim to make the application process as simple and efficient as possible and where necessary will provide support in making the application. In the case of DHP or ER applications, awards will not usually be considered until the rate of Housing Benefit, Council Tax Support or Universal Credit (housing cost element) has been determined.

Applications will usually be made through the Council's website at www.cornwall.gov.uk or by telephone through the Assessment Contact Centre on 0300 1234 121 (option 2). Written applications will be accepted in circumstances where the applicant or representative cannot access our website or use the phone.

Making an award – In all cases the Council will decide the amount and length of any award; this will be on the basis of evidence supplied in support of the applications and the facts known at the time. Where a request is made to

backdate an award, the request will be given reasonable consideration although this will usually be limited to the current financial year. A DHP cannot be awarded for any period where Housing Benefit or Universal Credit (housing cost element) is not in payment.

By making an award the Council does not guarantee that a further award will be made at a later date, even if the applicant's circumstances have not changed. A condition of the award will be that the applicant engages with the Council or its partners to find longer term solutions to improve their financial and personal circumstances. As such, applicants will be expected to agree to a conditionality clause as part of their application. Further information about conditionality and partners the Council will work with are shown at Appendix 3.

Repeat awards will only be considered where the applicant has taken all reasonable steps to work with the Council and its partners to improve their financial and / or personal circumstances. Repeat awards will also be considered if the Council considers that the applicant is unable to make any further reasonable changes to improve their situation.

In making an award the Council will decide on the most suitable funding stream for the applicant. A wide range of factors will be considered which include but are not limited to:

- The shortfall in income
- Any steps already taken to try and reduce the shortfall in income
- Any debts and arrears of the applicant or members of their household
- Any savings or capital held by the applicant or members of their household
- The cost and suitability of alternative accommodation
- Medical circumstances including ill health and disabilities of the applicant and their household
- The impact of not making award against the objectives of this policy
- Any other special or exceptional circumstances brought to the attention of the decision maker.

Appeals – if the applicant is dissatisfied with the outcome of their application they have the right to request verbally or in writing, within 1 calendar month, a review by another decision maker in the section. The request must contain the grounds on which the applicant is seeking a review.

If the applicant remains dissatisfied after the first review they can seek a second higher review within 1 calendar month of the first review decision. The request must be made in writing and set out the grounds on which a further review is being requested.

Timescales for review – a first stage review will be undertaken within 10 working days in 95% of cases and 15 working days in 100% of cases. Second stage reviews will be undertaken within 1 calendar month in all cases. In the case of crisis award decisions, all first stage reviews will be completed within a maximum of 2 working days although the majority will be completed within 1 working day. Care award reviews and all second stage reviews will be completed within a maximum of 1 calendar month although expedited where necessary.

Complaints - The Council's 'Comments, Compliments and Complaints Procedure' (available on the Council's website) will be applied in the event of any complaint received about the application of this policy or the way in which an application has been administered. The complaints process cannot be used to challenge decisions on whether or not to make an award or to challenge the amount of any award. In such cases the appeals process outlined above should be used.

Fraud - An award can be recovered if it is deemed by the Council to be made as a result of a misrepresentation or failure to disclose a material fact either intentionally or otherwise.

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

Policy management

The Revenues and Assessment Service, part of Customer Access and Digital Services will be responsible for implementing and managing the policy.

The policy will be reviewed annually between January and March with the next review taking place by March 2020. The policy will be monitored prior to this date to ensure that it is on track, effective, spend is being monitored and the policy is achieving what it set out to do.

The highest risk to the scheme will be the potential to overspend the fund. Expenditure will continue to be reviewed on a weekly basis and reported back through the Customer Access and Digital Services Leadership Team. This information will also be available to any Member at any time should they wish to see it.

Appendix 1 Communicating the policy

This Policy will be circulated to all key partners as well as being published through the Council's website and promoted in other internal and external communications. A copy of the policy will be made available upon request through the usual communication channels including telephone, email and written requests.

Publicising the scheme will help to raise awareness amongst groups who work with, represent and support people who may need to access the funds as well as individuals themselves.

We will continue to work with partners and local groups/organisations to promote the scheme, including: Jobcentre Plus, Inclusion Cornwall, Reed in Partnership, registered providers, Cornwall Housing Ltd and CAB.

We will engage with partners and others with a key interest or concern in the scheme, through:

- Face to face briefings - inviting key groups with a direct interest or concern to attend round table conversations
- Email briefings with details of the scheme and how it operates

We will ask partners to use their own communication and distribution channels to help promote the scheme amongst their contacts including:

- Cornwall Council Members
- Voluntary and Community sector partners
- Town and parish councils
- Devon and Cornwall Police
- NHS partners

We will need to employ a variety of communication channels to raise awareness amongst the public - to reach people with and without internet/email. We will use some or all of the following methods:

For people with internet or email access

We will promote the scheme on our website homepage and benefits pages (www.cornwall.gov.uk/benefits)

Promote the scheme on social media - Facebook and Twitter

For people without internet or email access we will use some or all of the following methods:

- Provide our Members with information to share with their constituents who contact them.
- Continue to make up to date information about the scheme available in our contact centres.
- Share information with our partners to help them to promote the scheme to people who work with or support people who may need help from the funds, including: Jobcentre Plus, GPs, police, social workers, registered housing providers, children's centres, Inclusion Cornwall, Reed, Winter Wellbeing and other relevant charities.
- Work with specific groups to help carers of and individuals with learning disabilities or specific needs to be aware of and understand the scheme and how it can help them
- Work with the Council's Strategy and Engagement Service to promote the scheme generally through the local press and media.
- In addition, internal data will be used to inform targeted campaigns aimed at reaching specific target groups. A mix of approaches will be required including 1:1 personalised contact making use of text messaging, email, social media as well as telephone and written communications.

Appendix 2 – Care Leavers

The Children and Social Work Act 2017 asks local authorities to expand its corporate parenting duties to care leavers up to the age of 25. As part of these extended duties, Cornwall Council will provide an exemption on paying Council Tax for care leavers up to the age of 25, helping them make the transition to independence.

Cornwall has one of the highest national levels of care leavers in education, training and employment. The Council is committed to further improving these outcomes and supporting care leavers into adulthood in the same way a parent would.

The exemption will be available to all care leavers who were under the care of Cornwall Council up to the age of 18 and are personally liable for Council Tax.

The exemption will not normally need to be applied for, it will be automatically granted on a yearly basis until the care leaver reaches the age of 25. Awards will be made on the basis of data shared between the Children, Families and Adults directorate and the Revenues and Assessment team.

Awards will always be made for a full year including the financial year starting 1 April in which the care leaver turns 25. The exemption will be removed for any period where the care leaver no longer has a liability to pay Council Tax.

The amount awarded under the exemption will be the remaining amount of Council Tax which would otherwise have been payable after the award of any other discount or exemption including Council Tax Support.

Further information on the exemption is available at <http://www.cornwall.gov.uk/advice-and-benefits/benefits/council-tax-support/exceptional-relief/> or by telephoning the Assessment Team on 0300 1234 121 (option 2).

Appendix 3 – Conditionality

Following the introduction of the Welfare Reform Act 2012 and Welfare and Work Act 2016, Cornwall Council has worked with internal and external services and organisations to identify the different types of assistance available to support the people of Cornwall.

However it is also essential that the Council and its partners look for long term solutions for those applying to the discretionary funds. Therefore there will be an emphasis on the customer to work with the Council and its partners to achieve sustainable outcomes appropriate to their personal and financial situation. This conditionality for receiving financial assistance will link in a similar way to the claimant commitments introduced by the Department for Work and Pensions. Failure to sign up to this conditionality will result in a current or future award either not being made or withdrawn at a later stage.

To that end the following statement will be built in to all of the discretionary fund policies administered by the Assessment Team i.e. crisis and care, discretionary housing payment and exceptional relief/transitional support.

- In return for my discretionary payment I will work with Cornwall Council and its partners to give myself the best chance to change my long term personal and financial situation. I understand that if I do not agree to this that my eligibility for a discretionary award may be compromised or if already paid may need to be repaid.
- I am aware there is an expectation for me to attend employment support allowance medical appointments, work focused interviews and to supply medical certificates/questionnaires where appropriate. Sanctions (and disallowances) in my benefit due to any failure on my part will not be met by Cornwall Council. Exceptional circumstances will be dealt with at the discretion of the local authority.
- I am aware of the need to attend work focused interviews to continue to receive other social security benefits and failure to attend these appointments will result in financial assistance from the Council being withdrawn.
- I am aware that a failure to provide any other documents or attend any other interview in relation to a claim for benefit resulting in payments being withdrawn or suspended will not be covered by discretionary awards.

Main partners currently include:

- Reed in Partnership – Work Routes Programme offering tailored 1:1 support to move into employment. <http://www.reedinpartnership.co.uk/>

- Inclusion Cornwall Hub <http://inclusioncornwall.co.uk/>
- Cornwall Housing Ltd – advice and support in finding new or maintaining existing suitable housing options
<https://www.cornwall.gov.uk/housing/cornwall-housing-ltd/>
- Department for Work and Pensions – support to maximise income through employment and training opportunities and ensuring that income from benefits is fully maximised.

Prepared by

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Customer Access and Digital Services

5 April 2019

Alternative formats

If you would like this information in another format please contact:

Cornwall Council, County Hall, Treyew Road, Truro, TR1 3AY

Telephone: 0300 1234 100 email: enquiries@cornwall.gov.uk

www.cornwall.gov.uk

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