

SOUTHWARK EMERGENCY SUPPORT SCHEME – ELIGIBILITY CRITERIA/QUALIFYING CONDITIONS

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1. GUIDING PRINCIPLES

The guiding principles of Southwark's Emergency Support Scheme are:

- To provide emergency support following a disaster, or in times of crisis
- To allow people to return to or remain in the community, such as those moving out of institutional or residential care and those at risk of not being able to remain in their communities without additional support
- To help families who are facing exceptional pressure, to help keep families together and to safeguard children

- To support the most vulnerable in the community and to adopt a holistic approach in doing so
- To help safeguard severely disabled households and specifically where entry into employment is not possible
- To support the most vulnerable in emergency situations through signposting to appropriate support services, advice, or through provision and access to goods
- To engage individuals with appropriate support services where needed to prevent repeat applications, or as an alternative to an award from the fund
- To ensure the fund is fair and equitable in its distribution to those most in need within the community

2. ROUTE IN AND APPLICATIONS

- Southwark council will provide a process by which Southwark residents can make an application for an award from the fund
- Customer access will be via an online portal or via a telephone application process
- Facilities will be made available at the Council's "One Stop Shops" for customers to make free telephone applications and online applications via "assisted self-service"
- In exceptional circumstances it may be possible for a home visit to be arranged to assist elderly or vulnerable customers with their applications, but the council reserves the right to decline any request for a visit
- Advocacy and advice services will also be able to make referrals to the fund in respect of their clients
- Other Southwark Council departments such as Adult Social Care will also be able to make referrals to the fund in respect of their clients
- Awards from the fund will only be considered in respect of requests made via the above methods
- Verification of identity, address, income and circumstances may be required before assistance from the fund is offered
- All applications for assistance must include:
 - the name and current address of the person seeking assistance
 - details of how long the applicant has resided in Southwark
 - details of whether they have been placed in Southwark by another authority

- what support is being requested
- details of why the request is being made and what consequences there will be if the application is not successful
- details of what other assistance the applicant has considered or sought before making the application, and the result
- Details of the applicant's income, savings and capital
- The council may require applicants to be interviewed at their home, at the council's offices or One Stop Shops, or at some other place specified by the council at a reasonable time so that their application can be progressed
- Failure to attend an interview without good cause may result in the application being refused
- The council can require applicants to supply such information or documentary evidence within 14 days as it deems necessary in order to decide the application, including evidence of identity. Failure to supply the information or documentary evidence within the time limit without good cause will result in the application being refused (see "verification" section for more details)

3. ELIGIBILITY AND QUALIFYING CONDITIONS

3.1 QUALIFYING CONDITIONS

In order to make a decision to give assistance, staff administering the fund will need to be satisfied that qualifying conditions A or B or C below has occurred or is occurring:

A) There has been an unforeseeable, serious and significant emergency or crisis and failure to give assistance will mean there is a serious risk of significant harm to the person or the person's family. The council will take account of individual applicant's circumstances in assessing whether or not an emergency is considered to be serious and significant. In exceptional circumstances applications may be considered where, subject to evidence requirements, it can be demonstrated that a crisis has not yet occurred, but is imminent.

Examples of emergencies or crisis:

- A family member has been taken seriously ill or died
- A member of the family has been a victim of crime
- Family possessions have been destroyed in a fire or flood
- A person is fleeing domestic violence

B) The person requires assistance moving into, or remaining in the community.

C) A disabled household is unable to gain employment either as a result of the severity of the disability or because their household circumstances preclude this as a possibility.

3.2 PERSONAL ELIGIBILITY CRITERIA

Under qualifying condition **A** and **B**, a person is only entitled to assistance from this fund if they meet the following criteria:

- I. They are aged 16 or above
- II. They live in Southwark and have been resident in Southwark for at least six weeks prior to application ¹
- III. They are in receipt of a means-tested “passport” state benefit (Income Support, Job Seekers Allowance (income based), Employment Support Allowance (income based), or Guaranteed Pension Credit, or where it can be demonstrated that imminent receipt of such a benefit is likely ²
- IV. They are not an excluded person (section 6)
- V. They are not requesting assistance under circumstances which are listed as excluded (see section 5), or for an excluded item or need (see section 7)
- VI. They do not have the personal means, nor access to the means, for the provisions required.

Under qualifying condition **C**, a person must meet all personal eligibility criteria set out above other than criterion III. from which they are exempt. However in order to qualify under condition **C** an applicant must demonstrate that the disability in their household, or the household circumstances brought about as a result of that disability, precludes them from gaining employment.

Upon the introduction of Universal Credit, personal eligibility criterion III. above will be reviewed and amended. The Department for Work & Pensions have not yet notified councils as to whether “pass-porting” (receipt of the state benefit guaranteeing a particularly low income level) will be possible within the new Universal Credit system.

4. AMOUNT OF ASSISTANCE OFFERED

For successful applicants, the following factors may affect the amount of assistance offered:

- Their age and the extent of their need
- The significance and implications of the emergency or crisis and the cost to them as a result
- The level of their income, savings and capital
- If they are moving out of institutional or residential care

¹ See “exceptional circumstances - residence” section 13.1

² See “exceptional circumstances - income” section 13.2

- If they are a parent of children under 16 who live with them
- If they are a person with a disability, restricted mobility, or mental or physical impairment
- If they are receiving assistance, financial or otherwise, from other sources

5. EXCLUDED CIRCUMSTANCES

Assistance will not be given for, or in, the following circumstances:

- Where the applicant is an excluded person (see section 6).
- Where the application is for an excluded item or need (see section 7)
- Where other statutory provisions are in place and are a suitable option for the applicant; including but not restricted to:
 - Department for Work & Pensions (DWP) budgeting loans
 - DWP “alignment” or “advance” benefit payments
 - DWP statutory social fund payments (for example winter fuel allowance)
 - Section 17 payments
 - Homelessness Prevention Fund
 - Finders Fee Scheme
- Where the applicant could gain assistance privately, either from their own money or resources, or where other people can support them.
- Where the council determines that an application would be more appropriate to an alternative discretionary fund, e.g. The Discretionary Housing Payment fund or Section 17 payments
- Where the application is for items which the council cannot reasonably provide.
- Where private insurance should cover the cost of damages.
- Where liability exists elsewhere which addresses the crisis (for example if liability for a flood lies with a neighbour or landlord).
- Where the application is to make up for a reduction in benefits which have been sanctioned, or where they are being paid at a reduced rate due to an overpayment being recovered.

6. EXCLUDED PERSONS

- Persons subject to immigration control, persons from abroad³ or those with no recourse to public funds
- Persons who could have applied for help to the DWP but have not done so
- Persons who have already had any award from the fund in the previous six months, or an award of the same item or an award for the same reason, within the previous 12 months⁴
- Persons in receipt of financial assistance for the same purpose from friends, family or another charitable organisation
- Persons with income, savings and or other capital deemed sufficient to cover need
- Persons whom the council has reason to believe do not reside at the address which is stated on the application form
- Persons who are full-time students and who are not in receipt of a DWP means-tested benefit
- Persons who have been placed in housing in Southwark by another local authority as part of the discharge of a statutory duty (unless it can be evidenced that they fall outside the qualifying terms of that borough's equivalent scheme or where that borough has no such scheme)
- Prisoners on temporary release

7. EXCLUDED ITEMS & NEEDS

- Any need which occurs outside the United Kingdom.
- An educational or training need including clothing and tools.
- Distinctive school uniform or sports clothes of any description for use at school or equipment of any description to be used at school.
- Travelling expenses to or from school.
- Expenses in connection with court (legal) proceedings such as legal fees, court fees, fines, costs, damages, subsistence or travelling expenses.
- Removal or storage charges where an applicant is re-housed following the imposition of a compulsory purchase order, or a redevelopment or closing order, or a compulsory exchange of tenancies, or pursuant to a housing authority's statutory duty to the homeless.
- Domestic assistance and respite care.

³ As defined in The Housing Benefit Regulations 2006

⁴ See "exceptional circumstances – awards" section 13.3

- Any repair to property of any body mentioned in section 80(1) of the Housing Act.
- A medical, surgical, optical, aural or dental item or service.
- Work related expenses.
- Debts to government departments.
- Investments.
- Costs of purchasing, renting or installing a telephone and of any call charges.
- Any expenses which the local authority has a statutory duty to meet.
- Costs of fuel consumption and any associated standing charges (although assistance may be offered in a crisis situation where utilities supply has been disconnected).
- Council water charges, arrears of community charge, collective community charge contributions or community water charges.
- Rent (except for rent in advance). For assistance with an ongoing shortfall between Housing Benefit and rent, an application should be made for a Discretionary Housing Payment
- Any items deemed by the authority as non-essential

8. PROVISIONS/PAYMENTS

Where a decision is made to give assistance, the council will usually provide it in one or more of the following ways.

By working with Local Voluntary Sector organisations, the Council intends to award the required goods as oppose to a cash amount, such as the current DWP scheme.

The Council intends to use a mixture of pre-paid cards/vouchers and locally sourced replacement items to meet the needs of successful applicants to the scheme. As such, an applicant will be offered either:

- Locally sourced second-hand items (for white goods all second hand items will have been safety checked and guaranteed for a minimum of sixty days).
- A voucher for food to be used at a Local Voluntary sector organisation.
- A voucher or prepaid card loaded to the value of the resettlement package, which can be used at specified stores to purchase agreed items

The decision on whether to award items or vouchers will be made by the Council on the basis of the need for which the application has been made and the availability of specific second-hand items.

Where need cannot be met using goods or services, we will provide a cash grant in partnership with the Southwark Credit Union.

If none of the above payment or provisions can be made, The Council will use discretion including the use of internal transfers as appropriate.

The council will, in each case, consider whether it is appropriate to refer an applicant on to other support services, in addition to or instead of an award from the fund, where the circumstances suggest they may benefit from that support.

It is anticipated that there will be instances where a referral to other support services will be a more appropriate course of action than a payment from the fund, even if the applicant meets the eligibility criteria.

9. VERIFICATION

The council will takes steps to carry out its own verification of an applicant's identity, address and circumstances, but where this is not possible an applicant will be required to provide documentation or other evidence which is reasonably required for verification purposes, such as:

- Identification and proof of address
- Income, savings, bank accounts and proof of other capital held
- Where crime or lost property is involved, evidence (such as a crime reference number) that these have been reported to the police
- Other evidence as may be reasonably required to demonstrate the circumstances leading to an application; e.g. photographic evidence of fire or flood damaged items
- The council may require that one of its officers visits an applicant's property to establish and verify the circumstances of an application

The Council takes instances of fraud seriously and will conduct an investigation where instances of fraud are suspected. Appropriate sanctions will be pursued where fraud has been proven.

10. DECISIONS

- All decisions will be notified in writing.
- Awards made as a result of a disaster or crisis will be decided within 2 days (or as long as is reasonably practicable) of the completed application being received.
- All other decisions will be made within 9 days (or as long as is reasonably practicable) of the completed application being received.
- Notifying in writing includes notifying by e-mail (except in certain circumstances where the applicant has specified that they do not have an email address).
- The council can decide to
 - a) Award the application in full

- b) Award the application in part
- c) Decline the application
- Where the council decides to decline an application, the council's decision notification will state the reason for that refusal.
- The council can decline an application if:
 - a) it has insufficient funds to make a payment, or
 - b) it has reason to believe it will run out of funds before the end of the financial year
- Where the council decides to make an award, the council's decision notification will state the type and/or amount of the payment

11. REVIEWS

- A customer who is unhappy about the outcome of their application is entitled to ask for a review of the decision provided that they have satisfied all the requirements set out within the scheme and can demonstrate that a material error has been made. All applicants will be advised of this right as part of the notification process
- There is no right of review against a decision made under sections 5, 6 or 7
- A request for a review must be made within 14 days of the decision notification letter being issued by the council
- The council has the discretion to extend the time limits specified above if special circumstances led to the delay in requesting a review.
- A review must:
 - be made in writing
 - be signed by the applicant or their representative
 - state the reasons why the applicant believes the decision is incorrect including any additional information which they believe should be taken into consideration.
- Any review will be heard by an officer of the council, of appropriate seniority, who is designated as a reviews officer and was not involved in the original decision
- The designated officer will make a decision within 2 days for those situations deemed a crisis and 5 days for all others, of a review request being received or as soon as reasonably practicable thereafter.

- The designated officer may request additional information or evidence in order to decide the review and the applicant must provide this within 14 days of the date of the designated officer's request.
- Failure to provide the information and/or evidence within the specified timeframe will lead to the review being declined
- The designated officer can
 - allow the review in whole
 - allow the review in part
 - refuse the review
- There is no further right of review against the decision of the reviews officer.

12. EQUALITIES

An equality impact analysis will be carried out by the council in respect of the proposed scheme.

13. EXCEPTIONAL CIRCUMSTANCES

13.1 LOCAL RESIDENCE

The standard requirement to qualify for an award is that the applicant must live in Southwark and must have been resident in Southwark for a minimum of 6 weeks prior to applying. In certain exceptional circumstances, and subject to evidence requirements, an award will be considered without this criterion being met.

These circumstances are:

- The applicant has been placed in housing outside the borough by the London Borough of Southwark as part of the discharge of a statutory duty
- The applicant is fleeing domestic violence
- The applicant is a released prisoner who, immediately prior to prison, had lived in Southwark for 6 of the previous 12 months or 3 of the previous 5 years
- The applicant has been discharged from the armed forces, or is the former spouse or dependent of a recently deceased member of the armed forces and is about to move into Southwark (subject to Southwark Council being satisfied that the applicant will not qualify for an award under the terms of an equivalent scheme within the borough they are leaving)
- The applicant is leaving hospital or registered care and is about to move into Southwark (subject to Southwark Council being satisfied that the applicant will not qualify for an award under the terms of an equivalent scheme within the borough they are leaving)

13.2 INCOME

For qualifying condition A or B, the standard requirement to qualify for an award is that the applicant must be in receipt of a qualifying benefit as defined in section 3.2. In exceptional circumstances, and subject to evidence requirements, an award may be considered without this criterion being met.

These circumstances are where it can be demonstrated that the level of the applicant's income and capital is low enough that it is close to the qualifying threshold for those means tested benefits.

In exercising its discretion in such cases, the council will also take into account the size and significance of the emergency or crisis, the likely impact on and cost to the individual, and their ability to meet that cost.

13.3 AWARDS

As detailed in section 5, an applicant will be considered an excluded person, and therefore ineligible for an award, if they have had any award from the fund in the previous six months, or an award of/for the same item or for the same reason in the previous twelve months.

In exceptional circumstances, the council may use its discretion and consider making a further award to an individual if they have been subject to a series of crises or emergencies and the implications for the individual are considered particularly compelling.

13.4 GENERAL

All applications for awards will be judged against the criteria listed above. However, in exceptional cases, where the circumstances underlying an application are deemed extremely compelling, Southwark Council may, in accordance with the proper exercise of discretion, consider an award outside any of the provisions listed.