

Appendix A2

Consultation Comments and Responses from Consultation Questionnaires

Question 3 - Please add any additional comments to support your responses to questions 1 and 2 on our proposed changes or any alternative options you would like us to consider and your reasons.

Respondent Comment - Not applicable (7)

There were 7 respondents that responded to this question as not applicable and for which no further comment has therefore been made.

Respondent comment – Limit access to workers (2)

People claiming JSA should not be a priority when it comes to loans. People take JSA for granted.

People who do not want to work should be rejected for everything. Hard working people only.

Council Commentary

The proposal is to provide grants rather than loans for the Local Welfare Assistance Scheme for those customers in receipt of specified means tested benefits such as Job Seekers Allowance (JSA). The respondent appears to assume that all JSA recipients should potentially be disqualified from access to the scheme although some of these may experience a greater financial crisis than other potential claimants. Additionally, disqualification of access to the scheme to all JSA recipients would have the effect of impacting upon customers genuinely seeking work. It would also be administratively difficult to determine those claimants that genuinely want to work and those that do not. For these reasons, this proposal has not been progressed.

Respondent Comment – Non cash payments (5)

I think that having vouchers instead of cash would be a good idea.

Vouchers would be good idea to help stop drug users.

Can't use vouchers for transport. It's better to have cash as it's more flexible.

Vouchers are not always best Depends on circumstances. Some stores do not accept vouchers.

Need money no food stamps.

Council Commentary

The proposal to provide payment in other than cash through the use of pre-paid cards wherever reasonably practicable. This arrangement will be sufficiently flexible to permit a customer to convert them to cash at an ATM for certain types of payment (e.g. electricity meter, some travel expenses). Pre-paid cards also have the advantage that they can be restricted to ensure that they are not used for unauthorised purposes such as gambling, alcohol, etc.

Respondent Comment – Durability of goods (1)

Some products are not strong enough, they are damaged or broken.

Council Commentary

As it is currently proposed that claimants will be responsible for obtaining any goods for which they are entitled to a Local Welfare Assistance payment, they will need to ensure that the goods purchased meet their requirements within the funding given.

Respondent Comment – Families at risk (1)

Families are most at risk because children are involved. The most important thing is that children and teenagers don't feel under privileged compared to their friends who are working people.

Council Commentary

The proposed scheme is intended to ensure that limited funds are available to those in genuine need. This includes families that meet the qualifying conditions proposed for the scheme.

Respondent Comment - Agree with principles – (2)

I strongly agree with all

I feel that crisis payment should only be given to people that have not been paid or have no money. I do feel that two payments (per year) is fair.

Council Commentary

As both the above responses appear to support the Council's proposals, no further comment is made.

Respondent Comment – Fairer to help people who are in need (1)

I do really think nr is the most important principle as it is much fairer to help people who are in need to survive.

Council Commentary

It is not possible to respond in detail to this comment as it is unclear as to what it relates to.

Respondent Comment

The budgets most benefit claimants have to work with are already on the level of subsistence, so to limit what are emergency payments to what is perceived as their ""budgetary repayment"" levels will often not solve the emergency situation for vulnerable people. It leads to debt in another area of their lives.

Council Commentary

The Council will have a cash limited budget available for the proposed scheme and will need to ensure that expenditure is within the agreed level. The proposal to limit entitlement under the proposed scheme where it appears that the budget may be overspent is consistent with our understanding of the existing national scheme provisions. Where it is not possible to meet the full cost of the application, the Council will seek to provide alternative options and advice to the applicant as appropriate.

Respondent Comment

By all means require a modest repayment - and possibly a full repayment when employment is obtained - but reducing the existing subsistence benefits to cope with emergencies seems to indicate a short-term view that will generate further payments to avoid future crises.

Council Commentary

As the proposed scheme is intended to offer a grant for crisis payments rather than a loan as under the existing DWP national scheme, repayments will not generally be applicable unless for example fraud or error has occurred. Reduced entitlement payments may be considered if it appears that the budget for the scheme may be exceeded which is consistent with our understanding of the existing national DWP scheme provisions and is intended to be the exception rather than the rule. The proposal is to provide grants rather than loans as the cost of recovering loaned amounts would generally be uneconomical to pursue. Previous DWP advice from research they had conducted on the same issue had also indicated the same.

Respondent Comment

Payments by voucher limit choice, so cash payments may be required to obtain the desired item at a reasonable price. Why not just ask for receipts and claw back any shortfall?

Council Commentary

Pre-paid cards will permit an applicant to use the card at any outlet that allows the use of Mastercard. Additionally, the pre-paid card may be converted into cash at an automatic teller machine (ATM) for certain applications made such as money to be used for a prepaid electricity meter for example.

As Crisis Payments will be grants rather than loans, the provision for claw back will not apply unless for example the application has been made fraudulently.

Respondent Comment

Fraud and Error are two different things and so should be treated differently. More monies are lost through administrative error than by fraud in the benefit system.

Council Commentary

The potential recovery of payments made where fraud or error have occurred should be subject to the merits of each individual case and the circumstances concerned. Administrative errors may generally only be recoverable where the applicant should reasonably have been aware that an error had been made. This provision shall be incorporated within the final scheme documentation as per this commentary.

Respondent Comment

Fraud is a crime - so yes, recoup it in full."

Council Commentary

This comment is agreed and is incorporated within the scheme proposed.

Respondent Comment

Benefits are being sanctioned on a regular basis and for those with children 6 or over I think it is disgraceful that they should be expected to live on nothing to survive. They get into arrears which are never fully consolidated and generally seem to get the claimants more and more in debt as a result due to the knock on effects to housing and council tax or housing caps. I believe that if the DWP are sanctioning people that cash financial aid is paramount at a time that allows them to pick up their children from school (not at 3.40 - 4.30 when they need to be picked up) this i think is a disgraceful oversight or disregard for those claimants with children.

The benefits are already at the lowest amount a human being can live on in London, when a sanction occurs and a crisis benefit is necessary for them to put their heating on or buy food I believe it should be provided regardless of whether most in need.

Council Commentary

The proposed scheme will seek to offer successful applicants for crisis payments with a pre-paid card that may be obtained at a mutually convenient time having regard to the applicant's circumstances rather than a single time each day. Where a community care payment requires a card to be collected, a similar provision will apply.

Respondent Comment

"Crisis loans are designed to help those in dire financial emergencies just about scrape through. The most important thing is that at the very least they still manage to do this. It is important that these loans are not limited and will provide enough for people to get through whatever difficulties arise. Proof of needs and what it will cost to meet them is obviously necessary to prevent abuse but there is no limit to what can happen.

Council Commentary

Crisis payments under the Council's proposed scheme will be a grant rather than a loan and therefore will not be repayable unless a repayment is required in the case of fraud or error for example. There will be a cash limited fund available for financing payments under the proposed scheme and this is lower than existing levels of expenditure for the Brent area as provided through the Department for Work and Pensions. Consequently, there may be occasions where funds need to be limited to be contained within the budget provision. This proposal is not dissimilar to the existing DWP scheme where a similar provision is applied. However, application of this is currently anticipated to be the exception rather than the rule. Where it is not possible to meet the full cost of the application, the Council will seek to provide alternative options and advice where appropriate.

Respondent Comment

With prices rising and benefits being slashed many people in the community are barely surviving as it is and it is easy for any unexpected expense to cause a crisis. People living on one meal a day without heating can end up on 4 meals a week without electricity when circumstances have forced them to spend what little money they get dealing with an emergency. Basically what I am trying to stress is that crisis loans are for the communities most vulnerable people at their most vulnerable moments and few things are as important. Capping these payments may fail to address the multitude of problems that can arise for people already in extreme hardship. Failing to address peoples needs forces them to loan sharks, crime, begging and going without the food and warmth they need to stay healthy. Furthermore, rigid repayment plans can simply delay the crisis or spread it out over a longer period failing to address the original issue and creating more for the future.

Council Commentary

Crisis payments under the Council's proposed scheme will be a grant rather than a loan and therefore will not be repayable unless a repayment is required in the case of fraud or error for example. There will be a cash limited fund available for financing payments under the proposed scheme and this is lower than existing levels of expenditure for the Brent area as provided through the Department for Work and Pensions. Consequently, there may be occasions where funds need to be limited to be contained within the budget provision. This proposal is not dissimilar to the existing DWP scheme where a similar provision is applied. However, application of this is currently anticipated to be the exception rather than the rule. . Where it is not possible to meet the full cost of the application, the Council will seek to provide alternative options and advice where appropriate.

Respondent Comment

Paying people in non-cash ways such as vouchers often prevents people shopping around for the best deals meaning they need more money than they might otherwise require. It will also not give them the flexibility to deal with the knock on effects of the main problem for example if the problem is needing a new fridge forcing them to one store will prevent them finding cheaper alternatives such as a second hand appliance and it will not give them money to deal with knock on effects of the problem such as transporting the new fridge and replacing food that was spoilt.

It is also important to anticipate problems before they occur when possible. So for example when cuts are coming in other areas that will force some people into crisis situations funds are available to prevent or at least minimise problems."

Council Commentary

Pre-paid cards will permit an applicant to use the card at any outlet that allows the use of Mastercard. Additionally, the pre-paid card may be converted into cash at an automatic teller machine (ATM) for certain applications made such as money to be used for a prepaid electricity meter for example. The provision of second hand goods will also be explored as set out in the response below. The provision of a pre-paid card will also assist in ensuring that cash limited funds paid to applicants are not used for purposes other than those intended.

Respondent Comment

Why not just give a little more according to the circumstances of each citizen and then repayments can be made etc. At present many do not even get a chance to sign-on with much understanding from the DWP staff. Three applications for \ crisis loans each year isn't enough. Much more consultation on an individual basis especially when trying to sign-on and when being released from prison.

Council Commentary

The number of occasions where a crisis payment or community care payment are to be made are to be capped on a general level at 2. In the case of a crisis payment for a disaster situation, this limit will not be applicable and certain exceptions to the limit will apply also to community care payments such as where a house move occurs for example. The limits are proposed to ensure that the agreed cash limited fund is as far as reasonably practicable available for access by as many applicants that meet the criteria as possible. Where a payment cannot be made to an applicant, the Council will seek to offer advice and alternative options to them as appropriate.

Respondent Comment

"Centrepont supports the idea of offering support in kind, such as second hand furniture, as part of the provision as we recognise that it could make the pot go further. However, we believe there should still be scope for some cash payments for certain items that are not easy or suitable to get through a second hand supplier, such as carpets, or for meeting the cost of connecting basic items such as cookers.

Council Commentary

Pre-paid cards will permit an applicant to use the card at any outlet that allows the use of Mastercard. Additionally, the pre-paid card may be converted into cash at an automatic teller machine (ATM) for certain applications made such as money to be used for a prepaid electricity meter for example. The provision of second hand goods will also be explored as set out in the response below.

Respondent Comment

We also believe that a system of providing second hand goods could be made more effective by working with local agencies such as Centrepont to make sure that the items provided meet the needs of those moving into independent accommodation for the first time (i.e. the elements of a 'starter pack')."

Council Commentary

Council officers propose to explore this option further with local agencies as indicated.

Question 4 - Please comment if you feel that our proposed changes will affect particular individuals or groups more than others and if so, how you think we may address these.

Respondent Comment - Not applicable / none (16)

There were 16 respondents that responded to this question as not applicable / none and for which no further comment has therefore been made.

Respondent Comment – It will affect old and young people (1)

It will affect old and young people

Council Commentary

The proposals are intended to ensure that assistance is available to those in receipt of means tested benefits and thus on the lowest incomes where the qualifying conditions are met. This applies to persons both of pensionable age and working age.

Respondent Comment – Strong products are needed (1)

We need good and strong products, not trademarks.

Council Commentary

As it is currently proposed that claimants will be responsible for obtaining any goods for which they are entitled to a Local Welfare Assistance payment, they will need to ensure that the goods purchased meet their requirements within the funding given.

Respondent Comment – Unsure of others circumstances (1)

Unsure of others circumstances

Council Commentary

It appears that the respondent is indicating that they are unsure of whether the proposals are likely to impact on other groups as they do not have knowledge of their circumstances. No further comment is therefore made.

Respondent Comment – Proposals are fair (1)

I think it's fair for all

Council Commentary

As the respondent has indicated that the proposals are fair, no further comment has been made.

Respondent Comment

There should be clear protocols issued on these proposed changes at the earliest opportunity.

Council Commentary

This comment is agreed and to this extent, the Council will seek to publicise the changes and engage with relevant stakeholders concerning them at the earliest opportunity.

Respondent Comment

The changes will affect all claimants, but especially the vulnerable - the under 35s who only get room allowances under LHA, and those with physical or mental disabilities, or who have a poor understanding of English and find it difficult to navigate the current system.

Since poverty rates are higher amongst ethnic minorities, women, children and the disabled, any cuts to benefits hits these groups hardest. Crisis situations arise more frequently for those with young children (especially single parents), the sick and disabled and people who do not speak English as a first language. These people will suffer most from any budget cuts or delays to payment.

Council Commentary

The Council will publicise the scheme and engage with relevant organisations in the Borough to ensure that awareness of the changes is maximised within their members' community. It is recognised that crisis payments and community care payments are by their very nature sought by more vulnerable members of the community. Whilst there is no current evidence to suggest that a particular group with protected characteristics will be more adversely affected by the proposed scheme, the effects of the scheme will be monitored and reviewed within 6 months of the commencement date as set out in the Equalities Impact Assessment with any issues identified being considered, evaluated and addressed within the scheme. It is anticipated that payments will be made within a reasonable time according to the circumstances of the application.

Respondent Comment

To address these issues it is important to anticipate peoples needs before they arise when possible so that those most vulnerable don't suffer any more than they already do.

Council Commentary

It is unrealistic to expect that the Council can anticipate needs of an individual applicant before they arise. However, we will seek to ensure that an applicant's circumstances are considered sensitively and promptly.

Respondent Comment

A permanent staff member to be assigned to each claimant so that we can learn best how to get a positive result from the loan given.

Council Commentary

Council employees will resource the team administering the proposed scheme but there will not be one officer assigned to each claimant as this is not always practical and sustainable. However, relevant case details will be held for each applicant to enable officers to evaluate and review the approach taken for application(s) received and to permit improvements to be made accordingly. There are no proposed loans under the proposed scheme and therefore this part of the consultation response is not applicable.

Respondent Comment

"The existing social fund system provides a vital safety net for many of the homeless young people that Centrepont supports. It enables young people moving on from hostel accommodation to start as they mean to go on, in a safe, stable environment where they can build a new life. It also provides a fundamental safety net for people who find themselves in an emergency such as homelessness, without any money or access to their belongings. We estimate about 60% of Centrepont young people have accessed Social Fund support, either through Crisis Loan provision or Community Care Grant support. It is therefore vital that the localised system in Brent maintains this lifeline for vulnerable young people in the borough. We therefore believe that young people with a history of homelessness should receive particular priority when being resettled into independent living. This will ensure that the vital support provided by community care grants is continued and repeat homelessness avoided. An approach should be devised, in partnership with stakeholders including voluntary and charitable organisations, that clearly defines the basis for awarding financial and in kind assistance based on local and individual need.

Council Commentary

The Council will seek to balance the competing demands placed upon the cash limited fund agreed and to this extent will seek to work in partnership with key stakeholders to develop appropriate arrangements accordingly.

Question 5 - Please provide any other additional comments you wish to make concerning the proposals.

Respondent Comment

April 2013 will see the introduction of universal credit, rent increases in most social housing, housing benefit caps... much of which is still largely in a draft form, and will be difficult to implement. While LB Brent should acknowledge the budgetary restrictions this may entail, their policy protocols should primarily be based on simplicity of understanding, ease of access and a full recognition of how their new systems, continued high unemployment and lack of jobs paying the London Living Wage in the borough affect the health and well-being of the area as a whole. The borough should insist that the businesses in the region pay a decent wage as their first step to lowering their Housing Benefit bill.

Council Commentary

Simplicity of understanding, ease of access etc are accepted as key protocols of any scheme within the context of an agreed budget. Although the Council does not have the power to insist that businesses in the region pay a “decent” wage, other national measures such as the minimum wage are intended to ensure that employees receive protection in this respect.

Respondent Comment

The manner in which you have asked the first question is very misleading and does not allow us to dispute the changes in crisis and community care payments. It has been noted that you are asking questions in order to satisfy your justifications to cut the benefits that makes it look like this is a pre-ordained affair not a democratic questionnaire at all.

Council Commentary

The first question in the consultation questionnaire asked respondents to rank which principle was most important to them. Other questions asked in the consultation questionnaire were intended to permit respondents to comment on the fairness of the principles of the scheme and to provide any supporting comments accordingly. Question 5 was intended to enable respondents to comment on any other matters and could therefore have been used to make reference to any more specific concerns regarding the proposed changes in crisis and community care payments.

Respondent Comment

Please where ever possible, make savings in other areas and prioritise providing for desperate people in dire situations. When people need money they have to have it and if local government cannot provide it, then they will have to turn to other sources

of money such as begging, crime and high interest loans which cause problems costing far more to solve than providing crisis loans.

Council Commentary

The Council has been given funding from central government that may be used for the purposes of providing a local scheme and this funding is £128,891 less than the expenditure incurred for the Brent area in 2011/12. The Council will therefore need to ensure that any financial assistance provided is within the agreed budget available. Where assistance cannot be provided, alternative options and advice will be given as appropriate.

Respondent Comment

This is not a very good financial time to consult on such a difficult issue. Especially due to the family responsibilities at the end of each year. Christmas, New Year, etc.

Council Commentary

The Council has no statutory obligation to consult regarding its proposed scheme but wished to do so to obtain the views and comments of its stakeholders and customers prior to finalising its decisions. The timing of the consultation and the duration were intended to allow the Council Executive to consider and approve a final scheme in February 2013 thus permitting 6 to 8 weeks to implement the scheme and ensure that training and publicity were effective.

Respondent Comment

A constant flow of money is needed not just a large one off sum.

Council Commentary

The cash limited funding available for any proposed scheme and its purpose is such that a constant flow of money from it cannot be realistically sustained. To this extent, other available options and any other appropriate advice will be given as appropriate.

Respondent Comment

Wider publicity with improved staff training. Why not get them to test the services themselves?

Council Commentary

The Council proposes to undertake a publicity programme following the decision of the Executive in February and to effectively train its team of personnel responsible for delivering the service. This will also include the provision and testing of software, systems and procedures by the relevant personnel.

Respondent Comment

"Centrepont broadly supports the eligibility criteria set out in the consultation document. However, we believe that greater clarification is required on a couple of the elements. For example, we broadly agree that those who could receive a Universal Credit (UC) advance should utilise this service rather than a crisis payment, but this requirement should not be allowed to slow down an application in a crisis. The Brent system should therefore not require claimants to make a UC application first if there is a reasonable chance that it will be rejected as this delay could lead to real hardship in many cases. Decision makers should be allowed discretion to take account of individual circumstances. If they do believe a UC advance is a more appropriate option, they should effectively signpost claimants to the advance application system and ensure the individual fully understands their options.

Council Commentary

This response is accepted in principle and cases should be considered on their individual merits. This provision will therefore be incorporated within the scheme documentation.

Respondent Comment

We also believe that clarification is needed about the requirement for the individual to accept 'reasonable conditions' such as accepting budgeting support. We strongly support the idea of linking the community assistance systems with budgeting support – it is vital that the intelligence about an individual's problems is properly followed up on by other services within the local authority. However, the most vulnerable claimants may not be able to effectively engage with this kind of support service if they are facing severe crises. Decision makers must therefore take into account an individual's support needs and circumstances when determining what 'reasonable conditions' are, and there should be scope to defer these conditions if claimants provide good cause for not being able to meet them immediately.

Council Commentary

It is agreed that reasonable conditions should have due regard to an individual's needs and circumstances and that there should be scope to defer these if an applicant can show reasonable good cause for not being able to meet them immediately. This provision will be included within the scheme documentation.

Comments Received from Job Centre Plus

1. The proposal to exclude from access to the scheme for 12 months persons that have been prosecuted for fraudulently claiming Council Tax Support, Council Tax Benefit, Housing Benefit or a Brent Community Assistance Payment should

be reviewed to differentiate between whether a person has served a sentence for the crime or not. Consideration as to whether this provision should apply in the event of a “disaster” situation as well as the wider definition of Crisis Payments and Community Care Payments should also be given.

2. Could Employment Support Allowance (ESA) and Job Seekers Allowance (JSA) (the contribution based elements) be included in the proposed crisis payment qualifying benefits in addition to the means tested benefits already listed.
3. In relation to the proposed requirement for an applicant for example that is fleeing domestic violence or has been discharged from prison to soon be in receipt of a qualifying benefit, could an interim payment for a short period of time to enable them to start receiving their benefit be considered as an option.
4. The current proposal for only 2 crisis payments or 2 community care grant payments in any 12 month rolling period within Brent should be considered in relation to successful applications made to other authorities also.
5. Consideration should be given to the prevention and detection of fraud.

Council Commentary

1. It is proposed that the final scheme should differentiate between those applicants that have effectively served a sentence for a conviction and those that have not. It is also proposed that this provision should not apply to applications received for a Crisis Payment in the event of a “disaster” but should apply to other Crisis Payments and Community Care Payments.
2. It is proposed that Crisis Payments should be available under the scheme only to those persons in receipt of means tested benefits and hence potentially with the lowest incomes. The entitlement to a Crisis Payment under the scheme for a “disaster” situation would be available to applicants in receipt of other benefits.
3. In relation to the proposed requirement for an applicant for example that is fleeing domestic violence or has been discharged from prison to soon be in receipt of a qualifying benefit, appropriate provisions shall be incorporated within the final scheme documentation to ensure that such persons are not adversely affected where they do not currently receive such a Benefit.
4. It is proposed that only 2 crisis payments or 2 community care grant payments in any 12 month rolling period within Brent will be permissible as each authority will be operating its own scheme and the entitlement conditions and approaches may therefore be different.
5. The final scheme documentation will incorporate appropriate procedures and provisions for minimising the opportunity for fraud and maximising fraud detection.