

# Essential Living Fund Scheme (ELF) Essex

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## **Mission Statement**

The Essential Living Fund scheme is dedicated to help members of the community in times of financial hardship.

The Essential Living Fund team will endeavour to be:

- efficient
- understanding of the needs of the people claiming
- fair and unbiased
- easily accessible

## **Purpose of the scheme**

The Essential Living Fund (ELF) is primarily intended to help vulnerable people live as independent a life as possible in the community.

Its prime objectives are to:

- help people establish in the community following a stay in an institution, care home, local authority care, hostel, prison, or similar
- ease exceptional pressures on people or their families
- help people who are unable to meet their immediate short term needs either in an emergency in relation to some expenses or as a consequence of a disaster

For more on each of these see the explanation area under 'Eligibility'.

## **Start date of the scheme**

The ELF scheme is effective from the 1 April 2013.

## **Decision makers**

An award of a grant under the ELF scheme will be made by a Decision Maker (DM). This is an employee of Southend City Council who is acting under the directives of the ELF schemes policy to make a discretionary decision as to the eligibility of the applicant.

## **Purpose of the Fund**

It is important to consider carefully all the circumstances of an application before deciding whether to award an Essential Living Fund Grant. No two cases will be the same. The flexibility of the scheme and wide variety of individual circumstances covered mean that a decision in one case does not constitute a precedent for others.

Regard must be given, in particular to:

- the nature, extent and urgency of the need
- the existence of resources from which the need may be met
- the possibility that some other person or body may wholly or partly meet that need. In providing this help care must be taken to ensure the Essential Living Fund does not take over the role of other agencies in providing support.

See Appendix A for a list of other schemes and funds to be considered and the section 'Needs Which are Not Covered by ELF'.

- the Councils Essential Living Funds grant allocation – The ELF's budgetary position will vary throughout the financial year. Decision makers must control and manage the ELF budget so that high priority needs are met first throughout the whole of the year and the allocation is not exhausted before year end.
- the priority of the ELF grant (see later notes)

In making a decision the decision maker should:

- clearly and fully document the reason for their decision
- always use discretion
- use discretion sensitively and with imagination to ensure that the objective of the scheme is promoted
- avoid rigid interpretation of the guidance
- remember that the absence of guidance applying to a particular circumstance, item or service does not mean help should be refused
- consider all the circumstances of a case when they determine an application
- consider the consequences of refusing an award

The decision maker should ensure the reasons for their decision is fully supported by the evidence and recorded in their decision.

The way in which we will provide this help could be:

- provision of recycled goods/furniture
- vouchers with which goods may be purchased
- food parcels
- payment to a third party on behalf of the applicant
- signposting or providing advice and information

This list is not exhaustive.

The groups of people most likely to require help from an ELF grant are:

- frail elderly people
- people with learning difficulties
- people with mental health problems
- people with a physical impairment, including those with sensory impairment
- chronically sick people
- terminally ill people
- people who have, or still do, misuse alcohol, drugs or other substances

- people released from prison or youth offending institute
- people without a settled way of life undergoing resettlement
- young people leaving Local Authority care or special residential schools
- families with complex needs or living in difficult circumstances

This list is not exhaustive.

## **Classifying the priority of an ELF Grant**

When deciding whether to award an ELF grant consideration must be given to the level of priority of the award. Each ELF grant should broadly fall into high, medium or low priority.

The general circumstances of the applicant and/or their family, urgency of the need and relevance under the guidance should be looked at.

It will normally be appropriate to give high priority to a need if:

- an award for the item requested will have a substantial and immediate effect in resolving or improving the circumstances of the applicant and in meeting the aims of the prime objective they have qualified under

It will normally be appropriate to give medium priority to a need if:

- an award for the item requested will have a noticeable effect, although not substantial and immediate, in resolving or improving the circumstances of the applicant and in meeting the aims of the prime objective they have qualified under

It will normally be appropriate to give low priority to a need if:

- an award for the item requested will have a minor effect in resolving or improving the circumstances of the applicant and in meeting the aims of the prime objective they have qualified under

## **How much to award**

An ELF grant may be for a single item or a number of items.

Decision makers should bear in mind that the scheme is cash limited. Paying more than the applicants needs would mean there is less funding for other high priority applications. The ELF grant's budgetary position may vary throughout the financial year. Decision makers must control and manage the ELF budget so that high priority needs are met first throughout the whole of the year and the allocation is not exhausted before year end.

Therefore irrelevant of what the applicant requests the decision maker is advised to:

- where appropriate refer to the price guide lists provided by agreed suppliers for setting an award level.
- if not using the prescribed suppliers, use national high street chain retailers and/or national catalogue outlets that are available locally to determine the amount to be awarded when awarding for furniture and household equipment, clothing and footwear

- make the best use of the ELF grant funding by awarding the lowest prices where that will still meet the applicants needs
- consider the additional cost of delivery and fitting charges for certain items of furniture and household equipment

For claims for 'general living expenses' there is no minimum award amount. However the decision maker should consider, if the request is very small, whether its absence would cause serious damage or risk to their health and safety or if there is other means available to the applicant as alternative.

The maximum amount for a claim for 'general living expenses' of food and toiletries will be calculated using the basic range of a reputable supermarket sufficient for 2 weeks needs. This will be reviewed on a regular basis.

The decision maker should of course consider if a smaller payment than the maximum will meet the immediate need to prevent serious risk to the health, safety or well being of the applicant or a member of their family.

## **Eligibility**

To claim an ELF grant the applicant must be aged 16 or over and a 'resident' in the Essex County Council area. See Appendix B for a full list of district, borough and city councils covered by Essex County Council. Applicants also need to be on a low income or with little or no resources. Where 'resident' means someone who lives in a property in the Essex County Council area or are accessing services such as the Job Centre as if a resident of the area.

When assessing an applicant's entitlement to an ELF grant the amount of resources the applicant has available to them should be taken into account.

Resources include

- capital assets,
- earnings,
- any other income,
- cash in hand,
- funds in banks, building societies, post office or credit union accounts
- any sources of credit such as cash cards, store cards, credit cards, overdraft facilities or loan schemes (unless they are receiving Income Based Jobseekers Allowance, Income related Employment and Support Allowance, Income Support or Pension Credit)
- help which might be available from any other source to meet or partly meet the need if there is a realistic expectation that help would be available in time such as charities and benevolent funds, friends and family

The decision maker can disregard certain resources where it would be reasonable to do, for example, Housing Benefit and Localised Council Tax Support could be disregarded as they are intended for use in covering rent and council tax charges. This can also include resources such as payments for community care services and Disability Living Allowance.

The list is not exhaustive.

The following people are ineligible from claiming for an ELF grant:

- people in care homes, hospital or prison – unless they are due to be released within the next 6 weeks and are applying for an ELF grant to help them set up in the Community. See further guidance below for more on qualification.
- people who are members of and fully maintained by a religious order
- people in education – except those that receive Income Support, Income Based Jobseekers Allowance or Income Related Employment and Support Allowance or Pension Credit or Universal Credit OR those who do not have access to the Student Loans and Grants intended to help with living costs whilst a student.
- people who fail the Habitual Residency Test / Subject to Immigration Control i.e. those that have no recourse to public funds

### **Help people establish in the community following a stay in an institution, care home, local authority care, hostel, prison, or similar**

Examples of accommodation this refers to are:

- Hospitals
- Care Homes
- Hostels for homeless people, alcohol misusers or drug misusers
- Prisons and Youth Offender Institutions
- Foster Care
- Staffed Group Homes
- Supported Lodgings
- Staff intensive sheltered housing providing a substantial level of personal care

This list is not exhaustive.

There must have been a substantial element of care or supervision involved with their stay. Each case must be looked at as an individual case as even residents within the same hostel may receive a different level of care.

In considering the level of care, the decision maker will take into account the length of time, frequency and type of care provided. The length of time the applicant had received care for should normally be a period of 3 months or more OR a pattern of frequent or regular admission clearly linked to the nature of the applicant's disability or circumstances.

For this rule to apply the living arrangement of the applicant must be a permanent one. For example if staying in a 'halfway house' or some form of board and lodging establishment prior to eventual permanent resettlement it will not normally be appropriate to award an ELF grant for furniture, furnishing, other household equipment or fuel connection charges.

This could include people who have been without a settled way of life and have been placed in accommodation as part of a planned resettlement programme.

## **Ease exceptional pressures on people and their families**

All families, especially those on low incomes, face pressures at various times so that in itself is not a reason to award an ELF grant. However, they may be awarded to ease exceptional pressures on a family, i.e. circumstances which put a family under greater pressure than might normally be associated with low income.

Examples of exceptional pressure could be:

- the breakdown of a relationship (especially where domestic violence is involved) – this is for when a relationship has recently ended, however, the decision maker should give consideration to what happened since the relationship broke down for example if the applicant had spent time in a refuge or other temporary accommodation until permanent accommodation could be found it could still be considered despite the fact the relationship had not recently ended. It will not normally be appropriate to make an ELF grant more than once for the breakdown of the same relationship
- the onset of, or deterioration in, a disability of a member of the family – this could include repair or replacement of items damaged by the behavioural problems within the family or where new or better items are needed since the deterioration occurred
- sudden domestic upheaval imposed by an unforeseen calamity such as a house fire, natural disaster such as flooding

## **Help people who are unable to meet their immediate short term needs either in an emergency in relation to some expenses or as a consequence of a disaster**

This is referred to as help with 'general living expenses'. Any need that would be expected to last more than 14 days is not 'short term'.

Examples of when this would apply include:

- an unexpected disaster. A disaster is an event of great or sudden misfortune or sudden calamitous event. Examples being flooding, gas explosion, chemical leak or fire
- had an emergency which is defined as a situation which caused them to have a pressing need or unforeseen circumstance either of which requires immediate remedy or action, and the expense of that has left them with no funds to live on

There is no provision within the scheme to assist people:

- in the situation where their money has been lost or stolen. The applicant must accept some personal responsibility for taking care with their monies
- affected by the Governments Welfare Reform Programme, unless the Decision Maker feels they meet an exception and fit the other eligibility criteria as above
- affected by delays with the Department for Work and Pensions processing benefit applications, unless a short term benefit advance has been applied for and refused and they meet the other eligibility criteria as above

The Decision Maker must give consideration to the resources the applicant still has available to them. See the section on 'Eligibility' for more.

## **Number of Awards and Repeat Applications**

For help with furniture, clothing, footwear and other items not covered under the title of 'general living expenses' it will not normally be appropriate to make an award for the same expense if it has been less than 12 months since the last application, unless, the applicant has had a relevant change in circumstances that require them to reapply for the same expense – for example an application is made and agreed for a bed, the bed is destroyed in a house fire and the applicant applies for another bed.

For help with 'general living expenses' to award is at the discretion of the decision maker. If an applicant makes multiple claims under this rule the decision maker should take account of what the applicant will do and has done to resolve the issues that have caused them to claim. Ultimately the maximum number of awards allowed will be no more than 3 in any 12 month rolling period.

An exception to this could be made in extreme circumstances, at the discretion of the decision maker, so long as the claim is not in consequence of an act or omission for which the applicant or their partner is responsible or could have taken reasonable steps to avoid. An example of an applicant causing the emergency is having no money because they have gambled or misspent it. An example of not having taken reasonable steps to avoid it could be applying after the home has been burglarised, but the home was not made secure in the first instance.

An emergency generally means a situation causing the applicant to have a pressing need or unforeseen circumstance either of which requires immediate remedy or action. A disaster is an event of great or sudden misfortune or sudden calamitous event. Examples being flooding, gas explosion, chemical leak or fire.

## **Needs which are covered by the Essential Living Fund**

- furniture – bed, mattress (and delivery costs)
- furnishings – bedding
- household equipment – cooker, fridge, microwave (including delivery costs)
- clothing and footwear
- general living expenses – these are day to day living expenses such as groceries, nappies, toiletries, cleaning/hygiene products, money for fuel costs

## **Needs which are NOT covered by the Essential Living Fund**

- maternity expenses as covered by the Sure Start Maternity Grant which is designed to pay for the immediate needs of a new baby
- funeral expenses as covered by the Funeral Payment regulated element of the Social Fund Scheme



- needs and costs which the Local Authority has a statutory duty to meet, for example the Disabled Facilities Grant
- repairs and improvements (both the cost of materials and labour) to the dwelling occupied as the home, including any garage, garden and outbuilding
- a need which occurs outside the UK
- an educational or training need including clothing and tools
- distinctive school uniform or sports clothes for use at school or equipment to be used at school
- travelling expenses (except those stated in needs which are covered section above)
- expenses in connection with court (legal proceedings) such as legal fees, court fees, fines, costs, damages, subsistence or travelling expenses
- removal or storage charges
- domestic assistance and respite care
- 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
- council tax and rent

This list is not exhaustive.

## **Applications**

The date of a written application to the Essential Living Fund is the date it is received by the Councils office provided that the application is in writing and:

- on a fully completed form approved by the Council in accordance with instructions on the form or
- is acceptable as sufficient in the circumstances of the case eg there is sufficient information in a letter or
- via the appropriate Telephone claim number with sufficient detail provided

If an application is made on behalf of a person, by someone other than an appointee, that person must give their consent to the application being made on their behalf.

An application that does not meet the requirements as above will be deemed defective. However, the application could be treated as made on the date it was originally received if the applicant complies with any request made to supply further information as necessary.

The normal time limit allowed to provide any further information requested will be one calendar month. This can be extended where it is reasonable to do so.

If a claim is taken by Telephone a decision may be made in the phone call. This decision will always be provided in a written letter as well with a right to review if the decision was negative.

The normal opening times of the Telephone Line will be 8:45am to 5:00m Monday to Friday.

## **Evidence**

It is the applicant's responsibility to provide all the evidence necessary to determine an application.

Where it is necessary to seek further information to clarify an aspect of the application this could be done by either:

- contacting the applicant
- checking departmental records
- contacting a third party where appropriate and either permission is given, or the data protection laws would allow
- arranging for clarification to be provided at a pre-award visit

Evidence can be documentary, verbal or physical. It may be derived from such sources as:

- the current application form
- supporting documents and correspondence
- telephone or interview records
- a record of observations on visit
- previous applications
- computer systems
- local knowledge

Evidence may be provided by, for example:

- applicants and/or their representatives
- social workers
- probation officers
- medical doctors
- housing departments
- landlords
- visiting officers
- decision makers

Exceptionally, it may be appropriate to ask the applicant for any corroborating evidence they may have, such as relevant evidence of a medical condition, eg existing doctors note, a letter from a hospital.

If the evidence provided is inconsistent, improbable or contradictory, the applicant should be given the opportunity to clarify or comment on any aspect of the evidence that is causing doubt.

The decision maker should ask for as much supporting evidence from the applicant for corroboration as is reasonable and necessary to substantiate the application but should not:

- ask for evidence which would incur any expense to the applicant
- insist that the applicant provides supporting evidence, particularly from a third party

If the applicant does not provide the requested evidence, then a decision should be made based on the completed application and any other evidence already held.

## **Reviewing a decision**

Applicants can request a review of ELF grant decisions if they disagree. They must do this in writing within one month of the date they are notified of the decision. The applicant (or appointee) must sign the review request letter.

Late requests will be considered at the discretion of the Decision Maker where she/he considers that there were good reasons for the delay.

If a review is requested regarding the decision this will be looked at by a member of the Benefits Management Team who will then determine the final decision.

**Other Grants/ Funds/ Schemes for consideration in the award of an ELF grant.**

- the Prison Service is responsible for ensuring a discharged prisoner has suitable and adequate clothing (Prison Services Manual V). This is for both convicted prisoners upon release and prisoners held on remand (if their own is not fit to wear). It is therefore recommended that the Decision Maker checks with the prison/probation services if the application is for clothing. The normal rule is the applicant should have a change of clothing and sufficient protective clothing.

The ex-prisoner may also be given a travel warrant to pay for travel back home or anywhere else in the British Isles or Republic of Ireland where they are going to settle down.

Most prisoners are also given a discharge grant to cover living expenses for the first week after they leave prison.

- The Family Fund – This provides discretionary grants for families caring for a severely disabled child or children aged 17 or under. It is an independent Government funded organisation registered as a charity.
- items for severely disabled children that are the responsibility of a statutory agency such as the health authority, local government, social services, housing or education department. This would include;
  - medical services such as equipment and continence supplies including nappies, buggies and wheelchairs – responsibility of health trusts or authorities
  - equipment for daily living such as ramps, hoists and bath aids – responsibility of social services
  - education equipment – responsibility of Children and Learning Department
- Benevolent Funds
- other sources of help as cited by websites such as Turn to Us
- maternity expenses as covered by the Sure Start Maternity Grant which is designed to pay for the immediate needs of a new baby
- funeral expenses as covered by the Funeral Payment regulated element of the Social Fund Scheme
- expenses which the Local Authority has a statutory duty to meet, for example the Disabled Facilities Grant
- DWP Cold Weather or Winter Fuel Payments

- expenses that could be covered by the DWP Budgeting Advance if the applicant meets the qualifying conditions
- The Short Term Benefit Advance. This is an advance of some of a claimants benefit made where they declare a financial need which may result in a serious damage to their health and/or welfare of them or their family, either at the start of a new claim or when a change means their benefit will significantly increase.
- NHS Healthy Start Scheme – provides vouchers to buy cows milk, fresh or frozen vegetables and instant formula milk and Healthy Start vitamins. It is for people who are pregnant or have a child under four if they are in receipt certain means tested benefits
- NHS Low Income Scheme – If a person has a low income they may be able to get help with the costs of prescriptions, dentists, eye care, healthcare travel, wigs and fabric supports through this scheme. The application form is available from the JobCentre, Hospital and most doctors, dentists and opticians.

This list is not exhaustive

District, borough and city councils forming the Essex County Council area

- Basildon
- Braintree
- Brentwood
- Castle Point
- Chelmsford
- Colchester
- Epping Forest
- Harlow
- Maldon
- Rochford
- Tendring
- Uttlesford