

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
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## Derbyshire County Council Adult Care Derbyshire Discretionary Fund Policy Approval and Authorisation

Name	Job Title	Date
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Approved by: Andrew Milroy	Assistant Director	March 2013
Authorised by:	Quality Assurance Group	July 2016

### Change History

Version	Date	Reason
V1	March 2013	First full version
V2	December 2013	Amendments to DDF Policy
V3	October 2014	Amendments to DDF criteria and updated policy and procedure
V4	July 2016	Updated policy and procedure
V5	April 2019	Updated policy

This document will be reviewed on a regular basis – if you would like to make any comments, amendments, additions etc please email Phil Robson – Policies and Procedures, [phil.robson@derbyshire.gov.uk](mailto:phil.robson@derbyshire.gov.uk)

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

**Contents**

1. Introduction..... 3

2. Principles..... 4

3. Scope ..... 5

4. Emergency Cash Payments ..... 6

5. Emergency Cash Payment Application Process ..... 8

6. Emergency Cash Payment Review..... 10

7. Exceptional Pressure Grants ..... 11

8. Exceptional Pressure Grant Application Process ..... 13

9. Exceptional Pressure Grant Review ..... 15

10. Payments ..... 16

11. General conditions..... 17

12. Definitions..... 19

13. Exclusions ..... 20

14. Abuse of the fund including fraud..... 22

15 Complaints ..... 22

Appendix A – Flow chart of the application process.....23

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

## 1. Introduction

- 1.1 The purpose of this document is to detail the policy and procedures of the Derbyshire Discretionary Fund (DDF).

The DDF was established in April 2013 following the Department for Work and Pensions (DWP) decision to abolish Community Care Grants and some aspects of Crisis Loans. The DWP continue to administer Budgeting Loans and Short Term Benefit Advances.

- 1.2 The DDF has been designed to help people with urgent needs which they are unable to meet from their regular income. It is made up of two different provisions, both of which are discretionary payments, and are paid from the budget allocated to Derbyshire County Council.

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

## 2. Principles

- 2.1 The overarching principles of the Derbyshire Discretionary Fund are to be met, wherever possible and practicable:
- working to effectively signpost to preventative and wider provision to better assist the applicant, and avoid repeated use
  - understanding the landscape of relevant complementary and alternative provision
  - not taking over the role of other agencies/departments (e.g. Department for Work and Pensions)
  - focusing on those facing the greatest difficulty, and enabling a more flexible response to unavoidable need
  - assessing, according to the nature, extent and urgency, of the need, taking into account the risks to the health and safety of those involved
  - in all cases the age, health and personal circumstances of applicants will be taken into account
- 2.2 Payments and access to the fund are discretionary, and, along with the budgetary position, the history and current circumstances of an applicant and their family has to be considered when decisions are made.
- 2.3 Data sharing

Derbyshire Discretionary Fund is part of Derbyshire County Council Adult Care and staff will share information for the purpose of verifying the circumstances of an application; and ensuring the safety and wellbeing of individuals.

Discretionary Fund staff may also share information with district and borough council officers, other agencies and staff at the Department for Work and Pensions (DWP), in order to assess applications and prevent fraud.

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

### 3. Scope

3.1 The Derbyshire Discretionary Fund (DDF) will provide two forms of grant payments, these are Emergency Cash Payments (ECP) and Exceptional Pressure Grants (EPG).

These payments will mirror, in broad terms, the provision previously delivered by the Department for Works and Pensions (DWP) for Community Care Grants and Crisis Loans.

3.2 The scope of the Emergency Cash Payment is:

- to assist individuals and their families when there is insufficient resources to meet a short term urgent need for food, heating and travel expenses, which poses an immediate and substantial risk to the health and safety of the person(s), either in an emergency or as a consequence of a disaster

3.3 The scope of the Exceptional Pressure Grant is:

- helping people to establish themselves in the community following a stay in institutional or residential accommodation, where care was provided
- helping people to remain in the community rather than enter institutional or residential accommodation
- easing exceptional pressure on the applicant and their family
- helping people setting up home as part of a resettlement programme following a period during which they have been without a settled way of life
- travel expenses in certain circumstances, for example, visiting a close relative in hospital, attending a close relative's funeral, easing a domestic crisis or visiting a child who is with the other parent pending a court decision

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

## 4. Emergency Cash Payments

4.1 Emergency Cash Payments (ECP) are payments to assist individuals and their families when there is insufficient resources to meet a short term urgent need for food, heating and travel that poses an immediate and substantial risk to the health and safety of the person(s), either in an emergency or as a consequence of a disaster.

Other needs will be assessed through the Exceptional Pressure Grant process, or signposted to other broader support agencies and organisations.

4.2 Decisions for Emergency Cash Payments will consider the following:

**Food:** a minimum amount to alleviate the short term need for basic grocery items for the individual and/or their family.

**Heating:** a minimum amount to alleviate the short term need for utility costs for an individual and/or their family.

**Travel expenses:** a minimum amount to cover the costs of emergency travel, for example, fleeing domestic violence.

**Insufficient resources to meet an urgent need:**

- have regard to all income and capital available to the applicant/family
- have regard to any other available income or resources that are available
- have regard to the nature, extent and urgency of the need

**Immediate and substantial risk to the health and safety of the person(s):**

- have regard to the vulnerability of the applicant and their dependents, for example the applicants age; responsibility for the care of children, and any disability or ill health
- applicants may also be vulnerable due to their circumstances such as being a care leaver; their housing / homelessness situation; experiencing domestic violence; caring responsibilities; or recent

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

release from prison

**Emergency or disaster:**

- have regard to the needs arising from such an emergency or disaster
- have regard for the significant loss, damage or destruction
- have regard for any extreme weather
- have regard for any attendance of emergency services and local authorities
- have regard to the substantial and immediate effect of resolving or improving the applicant's circumstances

4.3 Emergency Cash Payments decisions will be made within 1-3 working days, where possible.

4.4 Payments of ECP's will be set at maximum limit, which (as from 1st July 2014), is 75% of the current Single Person(s) rate of means tested benefits for claimants over 25 years old, rounded to the nearest whole pound, plus an additional amount of each additional member of the household. The rate will be reviewed annually.

From 1st July 2014 these are:

<b>Applicant</b>	<b>£54</b>
<b>Each affected member of the applicant's family</b>	<b>£10</b>

There are no minimum limits.

4.5 Emergency Cash Payments will be limited to three in any twelve month period (rolling year) unless new circumstances arise as a consequence of a disaster.

4.6 An ECP application may be treated as an Exceptional Pressure Grant (EPG) if found, upon assessment, to be the most appropriate claim given the circumstances of the applicant, providing they meet the criteria.

An EPG claim will be subject to the EPG procedures and time limits.

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

## 5. Emergency Cash Payment Application Process

(Appendix A charts the application processes).

- 5.1 Applicants, or third parties/agencies, can make a claim for an Emergency Cash Payment via the dedicated application line, on 01629 533399. The DDF team will have to be satisfied that the third party/agency has the applicant's permission to make contact on their behalf.

The applicant's personal details, details of their circumstances, and what they are requesting, will be taken by the customer care assistants. This information will pass, via the internal process using case management system, to the DDF team.

- 5.2 The DDF team will always have full regard to the DDF principles (section 2) and other complementary and alternative provisions before making any payments from the DDF budget.
- 5.3 The priority in dealing with the ECP applications will be determined by reference to the particular circumstances of the applicants need and historical records.
- 5.4 The DDF budget is not a factor in determining prioritisation of an application.
- 5.5 After receiving a claim for an ECP, the finance assistant will contact the applicant to verify their details by telephone, unless there is an accessibility reason to contact them by another method of communication.

Information will be taken from the applicant as to the nature, extent and urgency of their circumstances.

- 5.6 The finance assistant will make a decision on the claim in accordance to the criteria. There are two outcomes:



Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

**A negative decision involving the following steps:**

- The finance assistant will contact the applicant to relay this decision and offer advice on the review process. If the applicant is declined due to already having the maximum amount of ECP awards allowed, this contact will be by text message, unless there is an accessibility reason why this would be inappropriate
- the claim will then be closed

**A positive decision involving the following steps:**

- the finance assistant will contact the applicant to relay this decision and confirm payment arrangements, before making a payment for food, heating or travel
- the amount determined will be made to alleviate the short term need and may not be the maximum amount allowed
- the amount determined will be such to cover a 7 day period, and a repeat award for the same items will not be made within that time period
- the barcode/voucher will be valid for 7 days, and if not cashed within this time will be cancelled

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

## **6. Emergency Cash Payment Review**

- 6.1 Applicants who have been refused an Emergency Cash Payment can request a review of the decision via the application line.
- 6.2 The review process is a one stage process and the review request should be made within three working days of receiving the decision the applicant disagrees with.
- 6.3 If a third party/agency requests a review the DDF team will have to be satisfied that they have the applicant's permission to make contact on their behalf.
- 6.4 A review application will be allocated to a finance assistant, or senior member of staff, within the DDF team, who did not make the applicant's original decision that is the subject of the review.
- 6.5 The review application will be subjected to the same procedures as new claims.
- 6.6 The decision made will be final.
- 6.7 A review request for an ECP may be treated as a new claim if it is determined it would be more appropriate, providing they meet the criteria. Each new claim will be subject to the relevant timescales for decision making.

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

## 7. Exceptional Pressure Grants

7.1 Exceptional Pressure Grants (EPG) are payments considered under the following criteria.

- a) Helping people to establish themselves in the community following a stay in institutional or residential accommodation, where care was provided.
- b) Helping people to remain in the community rather than enter institutional or residential accommodation.
- c) Easing exceptional pressure on the applicant and their families.
- d) Helping people setting up home as part of a resettlement programme following a period during which they have been without a settled way of life.
- e) Travel expenses in certain circumstances, for example, visiting a close relative in hospital, attending a close relative's funeral, easing a domestic crises or visiting a child who is with the other parent pending a court decision.

7.2 To be eligible to receive an EPG, the applicant, or partner, must be in receipt of a relevant benefit (see section 11 - General Conditions), or be likely to qualify for such a benefit when establishing themselves in the community (7.1(a)) in the circumstances giving rise to the application, or have been on such a benefit within the last three months before making the application and the reason they are no longer on the benefit is that they have started in employment.

7.3 EPG applications will be triaged within five working days, to determine the urgency of the application (see appendix 1).

7.4 EPG applications will be considered for essential items/services. There are no

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

set amount(s) that can be paid as each case will be assessed on its own circumstances.

- 7.5 EPG's will not be awarded for an item/service within a 12 month period (rolling year) of a previous application for the same item, whether successful or not, unless there has been a significant change of circumstances for the applicant or there are extenuating circumstances as to why an application has previously not progressed.
- 7.6 EPG applications will be considered with reference to the applicant's capital (see section 11 General Conditions). For any awards made where the applicant has in excess of £1000 (per family), the amount awarded will be calculated to take any excess capital into account, prior to payment.
- 7.7 An EPG application may be treated as an Emergency Cash Payment if found upon assessment to be the most appropriate claim given the circumstances of the applicant, providing they meet the criteria.

An ECP claim will be subject to the ECP procedures and time limits.

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

## 8. Exceptional Pressure Grant Application Process

(Appendix A charts the application processes)

8.1 Applicants, or third parties/agencies, can make a claim for an Exceptional Pressure Grant via the dedicated application line, on 01629 533399. The DDF team will have to be satisfied that the third party/agency has the applicant's permission to make contact on their behalf.

The applicant's personal details, details of their circumstances, and what they are requesting, will be taken by the customer care assistants. This information will pass, via the internal process using the case management system, to the DDF team.

8.2 The DDF team will always have full regard to the DDF principles (section 2) and other complementary and alternative provisions before making any payments from the DDF budget.

8.3 The priority of the EPG application is determined by reference to the particular circumstances of the applicant's need.

8.4 The DDF budget is not a factor in determining prioritisation of an application.

8.5 After receiving a claim for an EPG, the finance assistant will contact the applicant to verify their details, through the triage process, by their preferred method of communication.

Information may also be requested to support the claim, for example, quotes for the items they are requesting, or supporting letters or evidence. It is the applicant's or third party / agencies responsibility to gather the information when requested.

8.6 Once all information has been received the finance assistant will make a decision on the claim in accordance with the criteria. There are two outcomes:

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

**A negative decision resulting in the following:**

- the finance assistant will contact the applicant to relay this decision and offer advice on the review process - this will normally be done by phone or letter but will take account of any accessibility needs the applicant may have
- the claim will then be closed

**A positive decision resulting in the following:**

- the finance assistant will contact the applicant to make an Offer of Award, and confirm the payment terms - a letter will then be issued to the applicant requesting their signature to accept the offer
- providing this information is received within fourteen days, a decision letter and payment can be made - if not, the application will close and no further action will be taken

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

## 9. Exceptional Pressure Grant Review

- 9.1 Applicants who have been refused an Exceptional Pressure Grant, can request a review of the decision via the application line.
- 9.2 The review process is a one stage process and should be made within a calendar month of the date of the decision the applicant disagrees with.
- 9.3 If a third party/agency requests a review, the DDF team will have to be satisfied that they have the applicant's permission to make contact on their behalf.
- 9.4 A review application will be allocated to a finance assistant, or senior member of staff, within the DDF team, who did not make the applicant's original negative decision that is the subject of the review.
- 9.5 The review application will be subjected to the same procedures as a new claim.
- 9.6 A review application will be triaged within five working days to determine the urgency.
- 9.7 The decision made will be final.
- 9.8 A review request for an EPG may be treated as a new claim if it is determined it would be more appropriate, providing they meet the criteria. Each new claim will be subject to the relevant timescales for decision making.

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

## 10. Payments

10.1 The DDF have different methods to pay applicants for either type of applications:

1) A prepayment card.

The award is delivered by the Family Fund Trust and accompanying documentation will set out the items awarded and details of where the applicant can redeem the card.

2) Direct supply of an item.

An item will be ordered through the Family Fund Trust and delivery arranged through their preferred supplier.

3) A voucher to be cashed at a Post Office.

A barcode/voucher is given to the applicant to take into the Post Office to get their award.

4) By BACS payments direct to a supplier.

10.2 Awards from the DDF will promote the supply of goods and/or services through the Trusted Trader scheme, and also through the Derbyshire Furniture Re-Use projects, as a first line of procurement, unless this is not possible or appropriate.

10.3 For any payments cashed it may be necessary for the applicant to take a form of identification with them for verification, which could include:

- Passport; Driving Licence; Birth Certificate; Marriage Certificate; recent letter from a utility company; current bank/credit card statement; recent letter from the Department for Works and Pensions (DWP)

This list is not exhaustive, and the finance assistant will advise the applicant at the time of the decision.



Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

## 11. General conditions

11.1 Age Applicants must be over 16 years.

11.2 Residency Applicants must have been resident in Derbyshire for at least the past three months, with some exceptions. This could include, for example, those released from prison or young offenders institution, who have a previous connection with Derbyshire, prior to that time away, or leaving care or hospital setting, or those who are fleeing domestic violence.

11.3 Capital (EPG)

Applicants for Exceptional Pressure Grants will be expected to use their available capital in excess of £1000 (per family) before a payment from the DDF will be made.

Capital includes money held as savings or investments and any cash.

11.4 Repeat applications

Emergency Cash Payments will be limited to three in any twelve month period (rolling year) unless new circumstances arise as a consequence of a disaster.

Exceptional Pressure Grants will not be awarded for an item/service within a 12 month period (rolling year) of a previous application for the same item, whether successful or not, unless there has been a significant change of circumstances for the applicant or there are extenuating circumstances as to why a previous application was not progressed.

11.5 Expired awards

If an award, which has been made but not cashed or activated expires there is no automatic replacement process. Any

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

subsequent award would be made on the basis of a new application and assessment of the circumstances that apply when the new applications was made.

#### 11.6 Relevant benefits (EPG)

For the purpose of Exceptional Pressure Grants, these are:

- Income Support
- Income Based Job Seekers Allowance
- Contributory Job Seekers Allowance (where the household income is the same amount as that for Income Based Job Seekers Allowance
- Income Related Employment & Support Allowance
- Contributory Employment & Support Allowance (where the household income is the same amount as that for Income Related Employment & Support Allowance)
- Pension Credit
- Universal Credit where the applicant would be eligible for JSA/ESA/IS under the previous benefit system

#### 11.7 Income from other sources which is ignored

Income made available to the applicant by another source for a specific purpose, for example a DWP Maternity Grant, or a grant from a charitable organisation, will not be regarded as income or capital to be taken into account by the DDF, unless the application is for the same item or purpose as the grant has been made for.

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

## 12. Definitions

### 12.1 Available income

Any available money, such as benefits, wages, or money from friends and/or family.

### 12.2 Individual

An applicant who has no partner, or dependent children within their family.

### 12.3 Dependent child

An individual aged under 16. A person will also be defined as a child if they are 16 to 19-years old and they are:

- not married nor in a Civil Partnership nor living with a partner; and
- living with parents; and
- in full-time non-advanced education or in unwaged government training

### 12.4 Partner

Person to whom the applicant is married, or in a civil partnership, or living together as if they were married to them.

### 12.5 Applicant

The person making the claim for a payment from the DDF.

### 12.6 Family

The partner, with or without dependent children, people caring for dependent children, women over 24 weeks pregnant, extended family or relationships of long term interdependence.

### 13. Exclusions

An applicant's claim for payment may not be considered if any of the following apply:

13.1 If the applicant is already receiving or is eligible for support from other areas, for example:

- Disabled Facilities Grant
- Section 17 payments of the Children's Act
- DWP Hardship fund
- DWP Short-term Benefit Advances
- DWP Funeral or Maternity Payments
- DWP Budgeting Loans

13.2 Has an immigration status requiring them to have no recourse to public funds.

13.3 If an award would be detrimental to the applicant given information Derbyshire County Council already holds concerning their health and wellbeing.

13.4 Has exceeded the maximum number of claims permitted under the DDF criteria.

13.5 Has failed to return their signed Offer of Award for an Exceptional Pressure Grant by the date specified in the offer, allowing for the postal process.

13.6 Excess capital has reduced the award to a nil amount.

13.7 Has applied for help to pay off debts or regular bills, for example, Council Tax or rent arrears.

13.8 Has applied for rent, telephone costs, TV License and/or water charges or any

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

debts to government departments.

- 13.9 Has applied for medical/surgical/optical/dental and/or aural items.
- 13.10 Has applied for specialist school uniform or equipment, school meals or travel to and from school.
- 13.11 Has applied as a result of lost or stolen money.
- 13.12 Has applied due to budgeting reasons, without engaging in support to mitigate this.
- 13.12 Has applied for work related expenses.
- 13.13 Has applied for any needs arising outside of the UK.
- 13.14 Has applied for removal or storage charges if a housing authority has a statutory duty to the homeless under the Housing Acts.
- 13.15 Has applied for domestic assistance or respite care or a holiday.
- 13.16 Has applied for any expenses associated with court including fees and fines.
- 13.17 Has applied for any expenses associated with a funeral or cremation.
- 13.18 Has insurance cover for the item/service they are requesting.
- 13.19 Has applied for anything that the local authority has a statutory duty to meet.
- 13.20 Has made a retrospective application for an item or service, i.e. where the applicant has already taken on a liability prior to the application being made, or whilst it is being processed.
- 13.21 Has, by reason of their behaviour or actions, been subject to Derbyshire County Council's policies and procedures in relation to protection of

Version: 5 FOI Status: <b>Public</b>	Derbyshire Discretionary Fund Policy	Issued: April 2019 Review Due: April 2021
---	--------------------------------------	--

employees, including the Violence at Work Policy and Guidance and Harassment and Bullying Procedure.

13.22 This list is not exhaustive and decisions are discretionary, as there will be circumstances when it will be necessary to exclude an applicant's payment, when other elements of the criteria are met, in addition to the list above.

#### **14. Abuse of the fund including fraud**

14.1 If the Council suspects that abuse of DDF, including fraud, has taken place DDF staff will escalate their concerns through an agreed process which could include involvement of the Council's legal section and possible escalation to the police.

#### **15 Complaints**

15.1 Complaints about the operation of the DDF come under the Council's Corporate Complaints procedure. This is entirely separate from the DDF decision making process as set out in this policy and procedures document.

The Corporate complaints procedure can be accessed at:  
<https://www.derbyshire.gov.uk/council/complaints/complaints-and-praise.aspx>

## Appendix A – Flow chart of the application process

